

Assessment of  
Malawi CARER's  
Paralegal Programme  
from 1996 to 2000

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## ABSTRACT

### Introduction

Service delivery is a cyclic process that commences with lobbying and advocacy to seek support for a certain cause from various role players and stakeholders. Once support is acquired, the next exercise is to establish a system and build capacity. Then render services and identify new needs. This model was adopted in the assessment of Malawi CARER's paralegal programme.

### Background to the paralegal programme of Malawi CARER

The three decades of one party rule has left a lot of Malawi unprepared to defend their rights despite the fact that there is a new democratic constitution with a Bill of Rights. It is one thing to put human rights on a paper to make it a legislation but it is another thing to assist the people to know how these rights in the legislation can best be protected. Although the government has put legislation that are consistent with human rights as outlined in the Malawian Constitution and the international instruments in place it does not implement empowerment programmes on legal education and promotion of human rights. Of equal concern is the people's accessibility to justice. Justice to the majority of the people both in civil and criminal cases is inaccessible. The lawyers are not only very few but most people cannot afford to pay for legal representation in Malawi. The informal traditional courts also charge a fee and are prone to nepotism and corruption.

Malawi CARER's paralegal programme therefore occupies a central position in the promotion and safeguarding of human rights and ensuring that the rural communities have access to justice. For more impact the paralegal programme need to be expanded. As highlighted here the founding objectives of the paralegal programme of Malawi CARER are still very relevant to the human rights situation and accessibility to justice in Malawi.

The paralegal programme is implemented through the district paralegals and a network of community based educators (CBEs).

Malawi CARER is trying to make justice accessible by promoting the use of the alternative dispute resolution processes such as mediation and human rights are promoted through civil education and human rights monitoring.

Malawi CARER, however, needs to develop capacity of the communities, policy makers and its personnel to face this challenges related to human rights and accessibility to justice. For any legislative change to be implemented effectively there is need to build capacity for its implementation.

### The paralegal programme activities and constraints to implementation

The aim of the paralegal programme should be to empower both the communities and the government institutions such as the policy makers, law makers and law enforcers to resolve problems related to the administration of justice and human rights with minimum NGOs' intervention. Training for government officials though crucial to attain this goal has not been prioritised by Malawi CARER. It should be borne in mind that the sustainability of the rule of law, accessibility to justice and good governance depends largely on the government institutions commitment towards these ideals. Malawi CARER needs to look into this aspect of training. Capacity building and system development should focus on:

- Research;

- Training for different role players and stakeholders;
- Monitoring the human rights situation;
- Monitoring of the programme implementation.

Of equal important is direct service delivery system that should include:

- Legal and civic education;
- Empowerment training programme;
- Making referrals to other institution;
- Representation of clients or intervention on the clients' behalf.

The paralegal are executing all the above tasks though to some extent they are hindered by the material currently in use. The paralegal manual needs to be simplified to make the information in it accessible. The activities also need to be planned and prioritise in terms of the following criteria:

- Their response to community needs;
- Their response to legislative changes;
- Their response to the human rights situation prevailing at a specific point in time.

Activities of the paralegal programme should be streamlined to the most crucial ones if the impact of the programme is no to be minimised. The paralegal programme should see itself as a tool for helping people to solve their day-to-day problems related to justice and human rights.

#### Administrative capacity and personnel needs

The role of the co-ordinator of the paralegal programme and of the Deputy Executive Director need to be defined to ensure that the DED is highly involved in the administrative aspect while the co-ordinator is more involved in the field work and administration related to the paralegals only.

The need to employ drivers for the paralegals need to be reviewed as it is no essential if the economic use of resources is anything to go by on the contrary the paralegals may need secretaries to help with administration work. All paralegals need to have valid driver's licences and should drive themselves.

At least two paralegals of both sexes need to be deployed in every district where there is the paralegal office.

The role that the legal officers should play in relation to the paralegal programme should be one of supporting the programme through training.

#### Government support and commitment and programme sustainability

Malawi CARER relies on donor agencies to implement the programme; therefore, it is important that efforts are made to ensure that the programme is sustainable in the long-term. This can be done by involving the government institutions in the implementation of the paralegal programme. Relationship with the government institutions and agents need to be strengthened and the paralegal programme should in the long run see itself as an agent for capacity building.

In conclusion Malawi CARER's paralegal programme is still very relevant to the human rights and accessibility to justice situation in Malawi.

## **PART I INTRODUCTION**

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### **1.1 The model of the assessment**

Generally most service delivery is a cyclic process. This commences with lobbying and advocacy to seek support from various role-players and stakeholders. When support has been acquired in principle, the next exercise is to establish systems and develop capacity. System development and capacity building entail the establishment of procedures, structures, and roles. With such structures in place service may be rendered to a target group. As services are delivered new needs of the target group will emerge and can therefore be identified while the services in existence are maintained. The cyclic description of service delivery is broad and general and its application varies from project to project. Nonetheless this model will serve as a basis for the evaluation of the Malawi CARER's paralegal programme.

### **1.2. Human rights violation inherited from the past**

For thirty years Malawi was subjected to a rule that was not democratic and had little regard for the fundamental freedoms and human rights of the people. In 1994, Malawi became a democratic state based on the rule of law and adopted a Constitution with a Bill of Rights. However, the enforcement and application of the Malawian Bill of Rights has been and is still problematic. There is a general lack of regard for the human rights of the marginalised members of society such as children, women, people living with HIV/AIDS, suspects and accused persons in detention to mention but a few. For example in our interviews even learned teacher argued that if a woman refuses to be "inherited" by a relative of her late husband then "property grabbing" from such a widow is justified.

### **1.3. Inaccessibility of Justice**

Throughout the world millions of people are unable to exercise rights that they enjoy on paper. Malawi is no exception to this. Even where peoples' ability to exercise their rights is not being deliberately undermined by government, economic factors and the infrastructure are at many times decisive factors.

The democratic Constitution of Malawi has provisions that demand that all the people must have equal access to justice. This however is an ideal that is at the moment may not be attainable due to a lack of free legal counsels both in the government and the NGO community. Even in rural areas the use of traditional courts requires that the litigants pay the chief first.

### **1.4. The founding objectives of the paralegal programme are still relevant**

The paralegal programme is one of the programmes Malawi CARER has successfully used to attain its goals and objectives. The paralegal programme has extended to the rural areas through a community-based educators (CBE). The CBEs are under the supervision of and report-back to the Malawi CARER's district paralegals who in turn report back to Malawi CARER's management in Blantyre through the paralegal co-ordinator. From the interviews it was evident that the CBEs are a foundation for promotion of human rights and accessibility to justice, though they are inadequate to meet the community's growing needs at the moment. This points to the need for further expansion of this programme.

It is evident therefore that the founding objectives for Malawi CARER's paralegal programme namely; to protect and promote human rights and to make justice accessible to all Malawians, are still very relevant to the situation in Malawi.

### 1.5. The CBE network

At the time of conducting this assessment there were 86 CBEs in Mzuzu, 85 in Dedza and 68 in Mulanje. A network of community-based educators (CBEs) has been established in areas covered by Malawi CARER's paralegals. This network covers the following traditional authorities (TAs):

Dedza	
TA	Number of CBEs
1. Kachindamoto	10
2. Other CBEs from EPA	4
3. Kamenyagwaza	10
4. Tambala	10
5. Kasumbu	10
6. CBEs around Dedza <sup>1</sup>	11
7. Chauma	6
8. Kaphuka	9
9. Chilikumwendo	10
10. CBEs trained on behalf of CCJP	5
<b>Total</b>	<b>85</b>

Mulanje	
TA	Number of CBEs
1. Njema	7
2. Mthiramanja	7
3. Juma	10
4. Chikumbu	7
5. Nkanda	10
6. Mabuka	15
<b>Total</b>	<b>56<sup>2</sup></b>

Mzuzu/Mzimba	
TA	Number of CBEs
Mtwaro	37
Mperembe	18
Jaravikuwa	31
<b>Total</b>	<b>86</b>

<sup>1</sup> The register showing TAs did not indicate the name of the TA

<sup>2</sup> According to the paralegal co-ordinator and the paralegal for Mulanje there are 68 CBEs in Mulanje, however, the list of CBEs for Mulanje indicated that there 56 CBEs

## PART II THE PURPOSE OF THE STUDY

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The described purpose of this assessment and the task of the contractor listed in the terms of reference document provided enough guidance for the assessment. The terms of reference are annexed to the report as annex "B". The terms of references on which this review is based were provided by the Team Leader for Democracy and Governance – USAID Malawi. According to these terms of reference focus should be paid to the following:

- A. The design of the training programme;
- B. The delivery of the training programme;
- C. The selection of candidates for training;
- D. Recruitment and deployment of paralegals;
- E. Review the paralegals' training and service delivery material currently in use;
- F. Activities prioritisation in service delivery;
- G. Review the strategies and methods for implementation of the paralegal programme;
- H. Review the reporting and support from the Blantyre (Head) Office to the paralegals;
- I. Review the role being played by the paralegals in human rights monitoring;
- J. Review the monitoring and evaluation mechanisms for the paralegal programme.

In reviewing all the above the overall aim is to strengthen the service delivery programme of the Malawi CARER's paralegal programme.

Broadly speaking all the above focus areas cannot be treated as separate entities but as categories since some of them overlap. For example areas A, B, C, D and E fall under system development and capacity building. The other focus areas will be reviewed under direct service delivery and lobbying and advocacy. Focus will also be paid to the relevance of the Malawi CARER's paralegal programme as a starting point. Since the above categories overlap there will be some repetition in reporting the findings. To avoid unnecessary repetition some areas of the report will be brief.

The paralegal programme and its extension to the CBEs is a complex subject as it covers a host of activities, therefore restraint had to be exercised to limit the research activities strictly to those of the paralegal programme.

The overall purpose is to provide Malawi CARER with a guiding document which should serve as a basis for planning and improving of its services.

### **PART III METHODOLOGY**

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A wide range of different role-players from the NGO Community, the government, the CBEs, the paralegals and the beneficiaries of the Malawi CARER's paralegal programme were interviewed in Chichewa, Tumbuka or English depending on their fluency in each of these three languages. The interviews started on 27<sup>th</sup> March 2001 and ended on the 21<sup>st</sup> April 2001. In total about six hundred people were interviewed either in groups or individually. The list of all the interviewees is annexed to this report as annex "A". A total of eleven large group interviews were conducted in Mzuzu, Mulanje and Dedza and thirty-one individual interviews were conducted at local and national levels.

Three instruments were developed and used for conducting the interviews. These are:

- The large group interview questionnaire;
- The local level key informant questionnaire;
- The National level key informant questionnaire.

In the opinion of the author the interviews yielded information of reasonable quality upon which reliable deduction for the purpose of this review can be made. To increase the level of reliability of the data collected the researcher and research assistants probed the interviewees where their responses were either vague or incongruent with other responses. All interviews were recorded and the three research assistants took and compared notes to ensure that all the important and relevant responses are captured.

Malawi CARER made a variety of documents available these included an evaluation report, training manual, list of CBEs and other related materials. It is not the intention of the author to duplicate any finding or basic data in these documents if necessary and quoted reference will be made thereto.

Apart from conducting interviews in Dedza, Mzuzu, Zomba, Mulanje, Lilongwe and Blantyre the research group also reviewed the service delivery procedures and materials used and interviewed the Malawi CARER's Management.

As the interviews ended on the 21<sup>st</sup> April activities and events after that date are not reflected in this report.

## PART IV

### BACKGROUND TO MALAWI CARER'S PARALEGAL PROGRAMME

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#### 4.1. The beginning and relevance of the paralegal programme

Malawi CARER was founded in 1994 as a non-partisan human rights NGO that seeks to serve as a forum for addressing human rights concerns of marginalised Malawians. The mission of Malawi CARER is to ensure that human rights become a reality to all the Malawians, especially the marginalised ones. This will be achieved through working with and empowering such people to ensure that they are able to know their rights, "claim and defend" such rights should there be need. The main objective of Malawi CARER, with regard to service delivery, is to promote and protect basic human rights as enshrined in Chapter 4 of the Malawian Constitution and in international instruments. Both in its mission statement and in objectives Malawi CARER has emphasised the need to focus on the disadvantaged, vulnerable and "voiceless" people in Malawi. These founding aims of the paralegal programme are still relevant to the situation of human rights' and accessibility of justice in Malawi.

The background of the paralegal programme run by Malawi CARER will be reviewed in terms of the relevance of the paralegal programme to the situation in Malawi.

#### 4.2. Relevance of the paralegal programme in relation to community needs

##### 4.2.1 Enforcement of the Bill of Rights

It is one thing to tell people that they have certain rights under the Constitution, and yet another to assist them in knowing how those rights can best be protected and enforced. The government can pass laws but it is unlikely that it will conduct civic education and training to ensure that people are acquainted to the new legislative changes. In the interviews it emerged that the relationship between the rural communities and the government officials is one where the rural communities present their social problems to the officials while the officials focus on their political agenda. In this relationship the need to empower the communities to know their human rights and to solve their own problems is overlooked.

The state focuses most of its resources on party politics and the strengthening of sanctions meant to safeguard social stability rather than to preserve the integrity and human rights of the Malawian people. As a result there is a public dissatisfaction about their elected rulers, this public outcry alternates with apathy. **From the above observation it can be deduced that the government does therefore not implement empowerment programmes for the civil society to know their rights and to seek remedy should such rights be violated. This points to the need to retain and expand Malawi CARER's paralegal programme which is central in this respect.** A crucial aspect of human rights promotion and, in fact, the defence thereof is to make sure that the people are apprised of their rights irrespective of how these rights are interpreted by government.

The Republic of Malawi has had a democratic Constitution in place since 1994. Chapter 4, of this Constitution is a Bill of Rights. The enforcement and respect of the Bill of Rights by the state organs and legal and natural persons is problematic. The problematic enforcement of the Bill of Rights arises from the following:

- Lack of free lawyers to defend victims of human rights violation especially if the perpetrator is the state;
- Many people do not know their rights and how to seek remedy should their rights be violated;
- Many interviewees indicated that government officials hardly talk about human rights and legislative changes;
- There seem to be lack of capacity to comprehend and implement legislative changes among policy makers and law enforcement agents.

The problematic enforcement of the Bill of Rights and other new laws conforming to the constitutional provisions has thus led to some human rights violations among the organs of the state. According to the Country Reports on Human Rights Practices for 1996, submitted to the Committee on Foreign Relations US Senate and to the Committee on International Relations US House of Representatives, by the Department of State hereinafter referred to as CRHRP, the state organs of the Malawian government have disregard for some human rights. The CRHRP cites the prevalence of the following human rights violations in Malawi:

- Political and other extrajudicial killings;
- Torture and other cruel, inhuman, or degrading treatment or punishment;
- Arbitrary arrest, detention, or exile;
- Denial of fair public trial;
- Arbitrary interference with privacy, family, home or correspondence (CRHRP: 163 – 164; 1997). *(A copy of this report is available in the public library in Lilongwe)*

Human rights violations by natural and legal persons are also prominent.

Human rights violation by the state organs and legal and natural persons affects the rural communities more as compared to the urban communities. This is so because:

- Rural communities are unaware of their constitutional rights;
- Rural communities do not have access to human rights organisations;
- Rural communities cannot afford to pay lawyers to help them should their rights be violated;
- Rural communities have to pay their traditional leaders to have their cases presided upon by such leaders.

Effective implementation of human rights is vital to ensure the protection thereof. Such implementation depends not only on legislative action, but also on measures such as education, encouragement of popular participation, strengthening of institutions involved in promoting human rights, and the creation of a political atmosphere conducive to full respect for human rights.

#### 4.2.2. Justice is inaccessibility in rural areas

Justice as provided by the legal system of Malawi is inaccessible to the rural areas. Engaging the legal machinery is beyond the resources of the rural population, and the rural people are further crippled by a lack of transport. Many people that were interviewed indicated that traditional leaders like lawyers had to be paid a "consultation fee" known as *chivula mulomo* or *chijula mlomo*, (fee for opening the mouth of the traditional leader) though this fee is relatively

smaller than that paid to the legal practitioners it is unattainable for most of the people. This results in the fact that in both rural and urban communities justice is inaccessible to the indigent people. The cost of legal representation and/or advice or the paying of *chivula mulomo* or *chijula mlomo* to the traditional leaders is beyond the reach of many Malawians. The traditional leaders are also sometimes unapproachable because they are feared or mistrusted due to their corrupt practices as highlighted by *Inkosi Kachere III* hereunder.

For the needy individuals in the communities Malawi CARER's paralegal programme is generally perceived as the only transparent resort open to communities and individuals on issues of human rights and conflict resolution. It was the opinion of TA Kachere III and other respondents that all the TAs, group village headmen and village headmen need to be trained by Malawi CARER and the Anti-Corruption Bureau on issues of land, conflict resolution and human rights in general.

The use of community-based systems such as the TAs' courts is the most common method used in conflict resolution. Much as the rural communities would like to use the formal justice system, it was clear from the respondents that such structures are very rare in the rural communities.

The process of conflict resolution by traditional leaders though relatively more accessible is also problematic. It is sometimes prone to corruption, nepotism and other forms of favouritism. According to TA Kachere III corruption in conflict resolution and land distribution among the sub-TAs, group village headmen and headmen was a common practice. The TA emphasised that the paralegal programme needs to network with the Anti-Corruption Bureau if training were to be conducted for the traditional leaders. In short if the traditional leaders are not trained in conflict resolution and human rights, justice will remain inaccessible to rural communities.

It is the opinion of the author that communities that have no access to justice may be driven into apathy and distrust and fear of both the local and national authorities. **As related to the human rights situation and indigent people's accessibility to justice the founding aims of Malawi CARER namely to promote, defend and educate marginalised communities on human rights remains relevant particularly as implemented by the paralegal programme.**

#### 4.2.3. The deployment and activities of the Malawi CARER's paralegals

The paralegal programme is the main strategy that tries to implement the objectives of Malawi CARER. At the time of conducting this review the deployment of the paralegals was as follows:

- Two paralegals in Mulanje;
- Three paralegals in Blantyre;
- One paralegal in Mzuzu;
- One paralegal in Dedza;
- One paralegal on study-leave in South Africa.

The paralegals' main activities include the following:

- Civic education programmes on human rights and law;
- Training such as on wills and deceased estates;
- Provide mediation conflict resolution;
- Provision of legal advice;
- Provision of paralegal intervention on behalf of clients, especially in motor accident and labour issues;
- Training and supervision of the other role players such as the CBEs;
- Monitoring of human rights violations;
- Making referrals to other organisations if they cannot help the clients.

#### 4.2.4. The paralegal programme on CBEs and land issues

One of the most successful stories of the paralegal programme is the deployment of the community-based educators (CBEs) in the rural and urban areas. The CBE programme, which was implemented between April and October 2000 in Dedza Mzuzu, Dedza and Mulanje, has been the most successful outreach programme that is leaving a lasting impact on the communities where it has been implemented.

The CBEs have embarked on following activities:

- Outreach programme on civic education on human rights, law, democracy and good governance;
- Conflict resolution through alternative dispute resolution (ADR) processes for minor conflicts;
- The identification of people whose rights have been infringed and referring such people to paralegals (human rights monitoring).

It is clear that CBE's play a vital role in disseminating legal information and encouraging people to become better acquainted with the legal system that affects their lives.

The work being done by the CBEs is very important because many people do not know their constitutional and human rights. This lack of knowledge has led to many human rights violations to go unnoticed. For example in our interviews it was clear that the traditional chiefs can remove anyone from a piece of land even if he/she has been living on that land. They can also sell occupied land and they are prone to corruption on land issues. **In the interviews where twenty chiefs and about two hundred community members were involved it became evident that the community members were unhappy with how the chiefs handle the land issue.** The debate became so emotional that the chiefs had to be separated from the community members. Another chief requested us to warn "our solicitors" not to interfere with his customary land.

However, the CBEs are encountering some resistance in executing their tasks. In all the TAs where interviews were conducted the CBEs indicated that whenever they teach people about good governance, democracy and election they (the CBEs) are labelled as the "opposition" or people working for the opposition. This restricts the CBEs in dealing with issues of democracy and good governance. The CBEs' relationship to that of the rural political authorities and traditional leaders is also a problematic one. This is so because there seems to be a lack of satisfaction regarding the way the legitimate interests of the rural communities

are met by the community-based political and traditional leaders, thus the CBEs' intervention is seen as a threat to the status quo. The paralegal programme should put strategies in place to improve this situation. This can be attained by:

- Ensuring that rural communities and individuals are empowered to be able to influence the forces that manage their lives;
- Forging a working relationship between the local government institutions, traditional leaders and other government offices and the paralegal programme,
- Training of both the community-based political leaders and the traditional leaders.

At the moment the paralegal programme has forged a good working relationship with all the ordinary community members. However, work with the local government institutions and schools and some of the traditional leaders is problematic. This is so because, among other reasons, the newly established local governments are understaffed and lack resources and confidence and the some traditional leaders expect the CBEs to give them handouts.

The limited interaction the paralegal programme has with the local government institution and some of the traditional leaders points to the fact that **there is need to develop the paralegal and CBEs' capacity to establish working relationships with these institutions and entities.** Specialised training for the paralegals and their co-ordinator and the CBEs is required in this regard.

### 4.3 Relevance regarding national needs

#### 4.3.1 Policy and legislative reform

Though the 1994 Constitution has nullified many laws from the one-party rule it is problematic to uphold the rule of law in line with the new development. This is partly because many officials including those who enforce laws are unfamiliar with the new standards set by the new Constitution. It may also be because people whose human rights are violated do not know how and where to seek remedy. This points to the fact that **any legislative change should be accompanied by capacity building for its implementation.** Malawi CARER should train both the communities and the policy makers on new legislation changes and the Constitution.

When the beneficiaries of the paralegal programme were asked to identify the social problems prevailing in their communities, that they wanted the paralegal programme to address, the following were the most prevalent ones:

- HIV/AIDS
- Orphans of HIV/AIDS;
- Land issue;
- Environmental degradation;
- Lack of knowledge and prevalence of myths about gender issues;
- Child labour;
- Problems relating to deceased estates, especially property grabbing from widows and their children by relatives of their deceased spouses;
- Deceased man's wife inheritance by the deceased's relatives or *chokolo*;
- Lack of infrastructure such as roads, clinics and bridges;
- Domestic violence against women;

- Witchcraft;
- Lack of knowledge about human rights and fundamental freedoms;
- Abuse of suspects of crime by police and community;
- Poverty;
- Food insecurity.

**It is the opinion of the writer that freedom from preventable social problems is also a human right.** Social problems if not addressed does not only violate human dignity but will hinder the impact of the paralegal programme on the communities. In most of the interviews with the programme beneficiaries the participants highlighted the social problems they are facing and want the paralegal programme to help them in this regard. The paralegal programme can address the social problems affecting the communities by:

- Running empowerment training programmes for the communities aimed at addressing social problems;
- Running civic education programmes in the communities aimed at raising awareness on human rights and legal issues;
- Advocate and lobby, on behalf of the needy communities with other NGOs that are involved in community development programme;
- Raise the awareness of the political leaders in relationship to the social problems affecting the communities;
- Lobbying and advocating for legislative changes.

The relevance of the paralegal programme can be seen in the fact that they are actually executing the above tasks. However, strategies need to be set that strengthen the paralegal programme capacity in this regard, particularly through specialised training.

Law reform is needed to ensure that human rights of the marginalised people are protected. Consequently Malawi CARER should target the legislators too in its training programmes.

#### 4.3.2 Infrastructure and finance

Infrastructure problems such as poor roads are also relevant to the issues of human rights in Malawi. The lack of passable roads especially during the rainy season entails that both Malawi CARER's paralegals as well as government authorities may not have access to remote rural areas. Areas left in isolation may not be well informed on human rights issues.

One cannot underestimate the interdependence between economic development and the protection and promotion of human rights. Such interdependence has not been fully secured in Malawi.

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*"Freedom from poverty is an integral and inviolable human right" (UNDP; 199:4)*

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Financing the promotion of human rights, good governance, alternative conflict resolution and democracy is not a priority of the government. Even efforts to promote the Constitution are not fully undertaken by the government according to the respondents. From the people interviewed it emerged that if these efforts are really being made, the rural communities are not aware of them. **Almost all the sectors in Malawi are in financial**

**need. Malawi CARER is not an exception, at the moment Malawi CARER is not able to provide job security to its employees due to financial problems.** Despite these financial difficulties the promotion of new legislation and legislative changes seems to rest in the hands of the NGOs of which Malawi CARER is one of the most active. Effective promotion of human rights in rural areas entails that Malawi CARER needs adequate funding in order to expand its paralegal programme.

#### 4.3.3 Human resources and training

Not only is Malawi faced with legislative shortcomings, it also experiences shortcomings in relation to human resources and skills. The fact that Malawi is densely populated and has a poor road network results in the fact that Malawi CARER and other organisations cannot easily reach a large number of the population.

The thirty-one years one party rule has equally accustomed many people to the status quo of human rights violation. The legislative change being executed may not bear fruits unless capacity building related to its implementation follows it. In this regard Malawi CARER should train and work with policy makers as well as the communities. It should as well conduct civic education on good governance, legislative changes and democracy. All these should be generic in nature and Malawi CARER should identify the need to conduct such civic education in line with the legislative changes and national human rights and good governance needs.

On the other hand Malawi CARER should undertake periodic consultations and situation analyses aimed at identifying the community needs and conduct empowerment training for the community. Focus should be on problem solving and coping mechanisms. Issues to be addressed should be related to social problems facing the community such as HIV/AIDS and land issues. **Almost all the interviewees expressed the need for training by Malawi CARER and for additional CBEs and paralegals.** The lack of skilled professionals such as lawyers entails that more CBEs and paralegals need to be deployed in different parts of the country not only in Mzuzu, Blantyre, Mulanje and Dedza where Malawi CARER is currently operating.

### **4.4 Overall relevance of the programme**

#### 4.4.1 The paralegal programme as a starting point

The role of Malawi CARER is of paramount importance in promoting and ensuring respect for human rights. This vital role, not only creates awareness of human rights and violations thereof, but also ensures the actual practicing of human rights, thereby consolidating the awareness, practice and defence of these rights.

Many people, especially those in rural areas, still lack knowledge of human rights and their constitutional and human rights can easily be violated. Many of these people experience a general sense of helplessness when faced by abusive authorities, individual abusers and/or institutions. There is need for Malawi CARER's paralegals to reach out through workshops not only to the CBEs but also the traditional leaders and community-based government institutions.

Needless to say, Malawi CARER occupies a central role in the human rights arena. Needs such as civic education on human rights, conflict resolution, research, system development,

networking and monitoring are all, to different extents, being addressed by Malawi CARER. The role that Malawi CARER plays in human rights issues is necessary, relevant and is making a major impact on the human rights situation in Malawi. **However, the paralegal programme should serve as a point of departure for future policy development on human rights and conflict resolution issues.**

#### 4.3.2 Relationship of Malawi CARER with other institutions

It appeared that the paralegal programme has positive working relationships with the communities and other NGOs but it is a pity that the CBEs do not actively interact the government institutions in the communities. On the overall at national and district level Malawi CARER network with government line ministries and other NGOs. Prior to the establishment of the paralegal programme in 1996, Malawi CARER held collaborative workshops with different stakeholders at district levels. These stakeholders included the police, the chiefs, NGOs and government ministries. The paralegal programme at district level collaborates with these entities and institutions by way of referral or undertaking certain activities together such as campaign to end violence against women. In Dedza CARER has trained CBEs on behalf of the Catholic Commission for Justice and Peace.

At community level the CBEs, however, are not adequately interacting with the community-based government institutions. Councillor H A Ngunga in the area of TA Tambala indicated that he had never been drawn into the Malawi CARER's paralegal programme till the day he was approached to mobilise the community members for the purpose of this evaluation. The CBEs seems not to have been empowered enough to interact and draw government organisations into its scope of activities. In TA Mperembe's area the community secondary school teachers did not know anything about the CBEs' work with the community. A police officer manning a police station in TA Mabuka's area knew about the existence of the CBEs but said that he was never invited to their meetings. In general community schools, churches and mosques, police posts, councillors and other community institutions and individuals are not involved in the CBEs and paralegal activities. This has generated some negative perception of the CBEs by such institution. For example the CBEs in Mulanje indicated that while the traditional leaders saw the CBEs as elements who threatens their authority and power the political leaders in the communities see them as affiliates of some political organisations particularly those opposing the ruling party. There is thus need to establish close relationships with not only the civil society but also with the NGO and CBO communities and government institution such as schools and police. **Though it cannot be said that Malawi CARER's paralegal programme is duplicated by other NGOs, failure to forge relationship with other human rights NGOs may lead to such a duplication.**

Overall, the multi-disciplinary aspect of human rights should be appreciated and therefore the paralegals and the CBEs should work in close corroboration with other institutions.

## PART V

### THE PARALEGAL PROGRAMME'S ACTIVITIES AND CONSTRAINTS TO IMPLEMENTATION

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#### 5.1 Objectives and expected results

The main objective of Malawi CARER's paralegal programme is to empower marginalised communities and individuals to ensure the observance and protection of human rights in Malawi. The main expected result of the paralegal programme is the empowerment of marginalised communities and individuals so that they are able to claim, defend, and protect their rights in line with the Malawian Constitution and international human rights instruments.

#### 5.2 The strategies and methods for implementation of the paralegal programme

It has already been stated that the paralegal programme is the main strategy used by Malawi CARER to attain its goals. Malawi CARER has established paralegal offices in Dedza, Mulanje and Mzuzu. Both urban and rural communities are aware of these offices and seek help from them if needed.

Activities for the paralegal offices as they relate to training are planned, however; the activities of the CBEs are not well planned. There is no need to plan activities related to attending to clients' needs like in conflict resolution, however, if civic education is to have an impact it must be planned well ahead of time.

There seems to be a problem in co-ordinating and planning the CBEs' activities. This is so because the CBE are left to use their initiatives in programme implementation and report to the paralegals on what they have done on a monthly basis. If the CBEs activities are not well co-ordinated and planned, some CBEs may not perform as required. There should be a greater co-ordination and planning of activities to be conducted in the community if uniformity and wide coverage of the paralegal programme is to be attained.

Field visits aimed at supervising the activities of the paralegals and activities such as lobbying and advocacy for legislative and policy reform and civic education on legislative changes are also limited. It is imperative that the paralegal co-ordinator conducts periodic pre-planned visits to the field.

The long-term goal of the paralegal programme should be to ensure that law and policy makers and implementers thereof must be acquainted to the culture of constitutional and human rights issues. There is need for the co-ordinator to organise workshops/seminars for parliamentarians and policy makers in this regard.

Programme implementation should aim at developing a culture of human rights by targeting the programme at the most crucial areas. The very nature of human rights entails that even the most ideal paralegal system is by nature limited, in the sense that it cannot address a multitude of all the economic, social and political problems facing the community even though such problems have a bearing on human rights. However, even with such a

limitation a paralegal programme must be able to recognise, promote and protect basic human rights. **The challenge for the Malawi CARER's paralegal programme is to maximise its impact given the limited resources at hand.** This can be attained by using the resources to address the most crucial issues in human rights. **The paralegal programme should acknowledge that it could only address a limited range of issues if its impact is to be felt.**

### 5.3 Activities prioritisation in service delivery

The paralegal programme's activities can be divided in the following categories:

- Direct service delivery
- Advocacy and lobbying
- Capacity building and system development
- Follow-up services.

Direct service delivery includes the following:

- a) Giving legal advice to clients;
- b) Mediation in conflict resolution;
- c) Representing clients by intervening on their behalf to resolve problems with some institutions<sup>3</sup>;
- d) Legal education;
- e) Make referral to other institutions for further help where the paralegal programme can not help;
- f) Empowerment training programmes for the community to be able to resolve their social problem.

The other service is lobbying and advocacy. **The aim of the paralegal programme should be to empower both the community and the government institutions to resolve problems with minimum intervention from the NGO community.** Advocacy and lobbying activities should then not be aimed at the community only but also at the government. At the time of the assessment, the focus of the advocacy activities is at the traditional leaders and their communities. The following lobbying and advocacy work is crucial to the strengthening of the paralegal programme:

- a) Lobbying and advocating with the traditional authorities in the implementation of the goals of the paralegal programme;
- b) Lobbying and advocacy for legislators to ensure that there is legislative change that promote the rule of law, democracy and human rights;
- c) Legal education for the communities about human rights, old and new legislation and legislative changes (civic education);
- d) Lobbying and advocacy for policy makers and law enforcement agents on human rights and legislative changes.

Capacity building and system development is another important service offered by the paralegal programme and should aim at following:

- a) Research
- b) Training:

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<sup>3</sup> Institutions means organisation as well as individuals

- Training for the TAs;
- Training for the CBEs
- Training for the paralegals;
- Training for other NGOs,
- Training for the legislators and policy makers;
- General training
- c) Monitoring the human rights situation;
- d) Monitoring of the programme implementation.

From the interviews it emerged that the follow-ups on training and the conducting of surveys was problematic. The follow-ups on training conducted for the paralegals and the CBEs have been problematic despite the fact that both the CBEs and the paralegals expressed the need for refresher courses and follow-up training. If capacity is to be built the follow-up mechanism for Malawi CARER needs to be strengthened.

In conclusion, all the activities of the paralegal programme are equally important and mutually reinforcing. However, from the interviews it emerged that emphasis should be on empowerment training programmes aimed at resolving day to day social problems such as HIV/AIDS and land issues and conflict resolution. However, although the activities are mutually reinforcing they need to be prioritised. It should be appreciated that the impact of paralegal programme can be enhanced if the programme is focused; wideness in the implementation of the activities undermines the effectiveness of the programme. **Activities need to be prioritised in terms of the following criteria:**

- **Their response to community needs;**
- **Their response to legislative changes;**
- **Their response to the human rights situation prevailing at a particular time.**

#### 5.3.1 Advocacy and lobbying

The Malawi CARER's paralegal programme has advocated and lobbied for human rights through conducting series of civic education, legal clinics and through conflict resolution using mediation. The programme, however, has a weak network with other community-based NGOs at district level and networking with government institutions such as the police, councillor and schools at community level is weak too. The CBEs seem to limit their civic education activities to the community members leaving out councillors, police and schools. Local government elections were conducted in November 2000 and the structures that emerged from them are currently weak and under-resourced. Taking this into consideration and the fact that schoolteachers and students, councillors and police have a great impact on the community it is imperative that the CBEs forge a participatory interactive working relationship with these institutions within their community. **This can be done by establishing working groups or committees that the CBEs should work with and report to on a monthly basis.**

Both the paralegals and the CBEs indicated that there is need to forge relationship with other community-based NGOs and government institutions. It was for example highlighted that the advocacy work being done by the health surveillance volunteers/workers of the Ministry of Health could be amalgamated with the CBEs' activities, and this will save resources.

This lobbying and advocacy role played by paralegal programme is very important and could even be more successful if greater efforts are made in relationship to the following:

- Planning and monitoring of training conducted by the CBEs;
- Follow-up on training already conducted;
- Training of chiefs is conducted;
- Partnership is forged with community-based government and non-government institutions such as schools, police stations and other NGOs.

It was evident that the major obstacle to the paralegals and CBEs' work in the community on addressing human rights issues related to land are the traditional leaders. **Some traditional leaders feel threatened by the CBEs particularly on issues of land and conflict resolution. It is their belief that customary land issues and conflict resolution between community members are a primary task of the chiefs. This points to the need to train all the traditional authorities on the activities of paralegal programme.** It seems the chiefs may be afraid of losing control and power if their grip on land issues and conflict resolution is minimised. However, this need to be changed and one viable way of doing so is to familiarise and train the chiefs on human rights and the rule of law so that they are empowered and transformed to adopt approaches which are consistent with human rights protection and constitutional provisions. The chiefs should as well be empowered so that they are willing to work with other agents of development such as the CBEs and learn from such agents.

At national level the majority of the key informants felt that there is need for further publicity of Malawi CARER to ensure that people know where to get help when their rights are violated.

Finally it seems little lobbying and advocacy has been made by Malawi CARER's paralegal programme for parliamentarians and other political office bearers. The need to set procedures and policies that are observed is imperative to the implementation of the constitutional provisions related to human rights. Lobbying at national level need to be conducted by the paralegal programme to ensure that parliamentarians raise issues related to human rights in their debates. **The challenge that faces the paralegal programme is the resistance and reluctance of the authorities at national and community levels to change.** It is therefore of utmost importance to ensure that political leaders as well as community leaders are sensitised on human rights so that they do not obstruct the work undertaken by the CBEs and the paralegals.

### 5.3.2 System development and capacity-building

#### **5.3.2.1 Research**

Malawi CARER conducted a Needs Assessment in 1996, which led to the establishment of the paralegal programme. It also conducted a situation analysis to establish the effectiveness of the CBEs. Studies are very important for informing planning and programme implementation. Since research is central to system development and capacity building the paralegal programme needs to plan for and conduct studies on issues related to its field of operation.

**Of equal importance is a database; Malawi CARER does not have one.** At the moment a client sheet is kept as a source of information related to clients. Without a database it is hard to establish a profile of the clients that benefited from the paralegal programme. It is also hard to determine which activity needs more attention. It emerged that within the Legal Department of Malawi CARER cases were shelved since 1997 without follow-ups. **This was attributed to personal traits of the employees. It is, however, the author's opinion that such shortcoming arose from lack of a database and management's periodic follow-ups on the activities of the field workers.** There is need for specific guidelines on how referred cases need to be handled.

Malawi CARER has some publications in circulation; there is need for more documents to be produced for public consumption.

### *5.3.2.2 The training programme and the training and service delivery materials currently in use*

Those who administer training and develop programmes need comprehensive programme information. This will help in determining the content of the training so that necessary levels for different trainers are determined. Whether a training programme is successful or not is dependent on the ability of the designer to successfully tailor the programme to the needs of different trainers and trainees. Need-tailored programmes provide inputs so that the trainers successfully carry out their tasks. This seems not to be the case with the paralegal training manual of Malawi CARER. Malawi CARER published the training manual currently in use for training paralegals and CBEs in 1996. The manual was based on the paralegal manual in Zimbabwe. It is a comprehensive document in content. However, it is like an introductory course to law and this makes it hard for both the paralegals and CBEs to grasp and internalise.

The following topics among others are covered in the manual:

- Malawian legal system;
- The statutes;
- Civil and criminal procedure;
- Family law;
- Wills and inheritance;
- Land law;
- Human rights and democracy;
- Casework;
- Mediation and negotiation skills;
- Lobbying and advocacy;
- Human rights monitoring;
- Conducting civic education.

All the paralegals and the CBEs indicated that the manual is too complex. All the paralegals and CBEs interviewed indicated that it was hard for them to understand all the topics in the manual. However, despite its complexity this manual is used as a basis and main resource for conducting training. It was also evident from the Malawi CARER's management that

there was no need to legalise the paralegal programme. It is imperative that the manual is simplified if the information in it is to be accessible.

One other shortcoming is that ever since it was published the manual has not been reviewed so as to incorporate concerns, suggestions and feedback from the field. According to the paralegal co-ordinator Malawi CARER could not review the manual because they prioritised translating it into vernacular languages, but even such translations are not yet complete. It is the opinion of the evaluator that the manual be reviewed and simplified before it is translated into vernacular languages.

**In designing a training manual for paralegals it is important to note that there are two types of foci in capacity building namely:**

- **The legal educational focus;**
- **Training focus.**

The legal educational focus is generic in nature. It aims at familiarising the target group with the legal fundamentals aimed at bringing about positive change, adjustment and adaptation. There is no need for the community to determine the content of such a training programme. The legislative changes, policy changes, human rights atmosphere and political situation determines the nature and content of the legal educational programme. The educational focus of paralegal programme should, among others, be on issues such as:

- Good governance;
- Democracy;
- Legislative change;
- Human rights;
- Laws.

On the other hand the training focus should not be generic in nature but need-determined. It should aim at imparting coping-skills on the target group. The emphasis should be on practical learning, decision-making, problem solving and empowerment. Training programmes, in this regard, should be a response to the social problems facing the community. Its content should arise from the need of the community through consultations and situation analyses. Among others such a training programme should focus on issues such as:

- Land;
- Maintenance;
- HIV/AIDS;
- Conflict resolution;
- Wills and inheritance of deceased estate
- Gender issues;
- Environmental issues.

In reviewing the manual there is need to include the following as part of the topics:

- Brainstorming exercises;
- Buzz group discussions;

- Role-plays;
- Ice breakers;
- Pictorial and graphic presentations.

### *5.3.2.3 The delivery of the training programme*

There are three types of training conducted under the paralegal programme, namely:

- Training for paralegals (for Malawi CARER and for other institutions);
- Training for the CBEs;
- Civic education for the communities.

The paralegal co-ordinator and different legal practitioners conducted the paralegal training while the paralegal co-ordinator and the paralegals conducted the CBEs training. The CBEs in turn conduct meetings for the community members on human rights and related issues. The CBEs and paralegals present the civic education programme through speeches, poems, drama, songs and role-players. This enhances community involvement and interaction. The absence of a simplified manual entails that even such practices are ad hoc and dependent on individual CBE's capability and creativity.

In all the training the method used is primarily information sharing between the trainer(s) and the trainees. Through questioning, music and drama the civic education conducted by the CBEs is participatory in nature. However, the training of the CBEs and paralegals was more information sharing than participatory. Trainers presented their topics/sessions and used questioning as a participatory tool.

All the CBEs and paralegals are unsatisfied with the training they received. The main concerns are:

- Time factor;
- Complexity of the subject matter;
- Lack of follow-up workshops/training.

Like designing a programme, programme delivery requires that those who deliver the programme must have specific knowledge and skills that enable them to carry out their tasks. **It is therefore imperative to design and classify comprehensive training tasks for the paralegal co-ordinator, paralegals and the CBEs as they relate to the programme.** This entails that Malawi CARER should match the abilities, interest and skills of its personnel, who are to conduct training, with the requirements of the training to be conducted. It is important that the paralegal co-ordinator, the paralegals and the CBEs receive comprehensive training of trainer courses at their respective levels.

#### *5.3.2.3.1 Training for CBEs*

The topics covered were too complex for most of the CBEs and the time frame for training was too short. The CBE training's lasted for one week. Follow-up workshops have not been conducted ever since. Most CBEs indicated that they knew the subject matter in the manual mainly by headings other than by actual content. Several factors have led to this situation, among them the following:

- The training manual is written more in an academic fashion which is not easy to be understood by ordinary people;
- The training manual is too bulk;
- The training manual is not need oriented i.e. some topics in manual are seen by the community to have less bearing in their lives e.g. court proceedings;
- The training period was too short.

If the training of the CBEs is to be effective, they should be reduced to basics that reflect the community needs. **Malawi CARER should acknowledge the fact unless activities are streamlined to the crucial ones the impact of the programme may be minimised.**

#### 5.3.2.3.2 *Training for paralegals*

The paralegal training generally lasts for a month followed by two weeks of in-service training. In this training different facilitators present different papers on specific topics. Almost all the paralegals interviewed seemed to have problems with internalising and describing the contents of the manual easily and concisely. Like CBEs they have selectively mastered issues from the manual that they regularly apply in their work. For example the paralegals are more conversant with issues related to gender, conflict resolution through mediation, land and deceased estate but not with issues related to civil and criminal court proceedings. **It is imperative that the paralegals have a general understanding of theories of law and court proceedings but focus should be directed to legal issues related to problems facing the communities.**

Like with the training for the CBEs there were no follow-ups on the paralegal training and all the paralegals felt that the time frame of the training was too short.

#### 5.4 Selection, recruitment and deployment of paralegals and CBEs

The paralegals were recruited through advertisement in the newspapers while the CBEs were recruited based on the recommendations of the chiefs.

Most of the paralegals recruited were former students from the University of Malawi who had failed their second or third year law studies. This method has proven to be problematic, as there has been a high turnover of paralegals from Malawi CARER, most of the paralegals left to go for further studies. To avoid such high turn over Malawi CARER should look at recruiting other people too particularly teachers and/or school-leavers who are willing to give long service. Other criteria suggested by the interviewees are:

- That the potential paralegals should be members of the community they are to serve;
- Must at least have completed form four;
- Must be fluent in English and vernacular language of their area of operation;
- Must have a good personality and be able to interact with the community.

The method used to recruit CBEs was also viewed differently by Malawi CARER and the CBEs. Malawi CARER felt that by asking chiefs to identify members of their community to be CBEs ownership of the programme by the community was encouraged. On the contrary some CBEs felt that they were coerced by their chiefs to become CBEs. It was hard for most of them to reject their appointment by the chiefs, as that would be regarded as being

disrespectful. It also emerged that some chiefs appointed their relatives and friends only, but neglected other community members. The criteria to be used for future recruitment according to interviewees are:

- Volunteerism – potential CBEs must first be willing to volunteer;
- Community-based – potential CBEs should be members of the community they are to work with;
- Language proficiency – both English and vernacular language should be spoken by potential CBEs;
- Potential CBEs should have good behaviour;
- Potential CBEs should be individuals who can interact easily with other community members;
- Potential CBEs should be hard-working persons with sober habits;
- Potential CBEs must be literate.

Some community members and CBEs interviewed felt that the community should vote for their CBEs from those that meet the above criteria.

It is the opinion of the evaluator that recruitment, selection and placement of paralegals should be dependent more on the knowledge and skills that the paralegal should have to successfully perform his/her task as required by their job description.

#### **5.5 Selection of candidates for training**

Paralegals and CBEs who are trained are those that are recruited as mentioned above. Malawi CARER also conducts paralegal training for other institutions on request and has trained CBEs for the Catholic Commission for Justice and Peace.

The selection criteria for paralegals as mentioned above seem to be working well with the exception of that of the CBEs as has already been discussed. The selection of trainees for civic education as conducted by CBEs is mainly on voluntary basis. The CBEs contact the traditional leaders who in turn inform their community members to attend the civic education programme.

Training should not only be restricted to the community members, the CBEs and the paralegals but should be extended to the following community based institutions in form of workshops:

- Traditional authorities;
- Government officials (teachers, police officers, nurses, councillor, community developers, social workers etc);
- Retired officers;
- Workers for community-based NGOs;
- Parliamentarians and policy makers;
- Law-enforcement agents.

The involvement of the TAs in the CBEs' civic education activities attracted many community members. It is crucial that the CBEs forge a working relationship with the TAs.

Training that involves the TAs should be ongoing and conducted by the Malawi CARER's head office in conjunction with the paralegals in specific locations. **It is crucial that Malawi CARER should explore the possibility of conducting annual seminars on human rights, good governance and the rule of law for some parliamentarians and other senior government officials and other NGOs.**

### 5.6 Direct service delivery

Malawi CARER's main direct services to the clients are:

- Civic education on law and human rights;
- Legal advice and representation;
- Making referrals to other service providers.

These services will be described in terms of strength and weakness in their current delivery system.

#### 5.6.1 Civil education on law and human rights

The Malawi CARER's paralegals conduct civic education on legal education and human rights. However, for almost all the paralegals conducting of civic education in the community has been problematic and irregular. It emerged in our interviews that the major civic education conducted by the paralegals was the training of the CBEs conducted in the year 2000. The reason for not conducting civic education constantly is partly due to understaffed paralegal offices. Apart from the Blantyre office with three paralegals and Mulanje with two both Dedza and Mzuzu have only one paralegal each. Taking into consideration the vastness of the areas that the paralegals cover and the rising number of individuals seeking legal advice it is understandable why the paralegals have not done much on civic education. For example in Mulanje about thirty clients visit the office daily. However, with planning and time management the paralegals could still conduct civic education periodically. Other constraints related to civic education seem to emerge from the shortcomings already mentioned in the training, among them lack of confidence arising from not mastering the contents of the manual.

Like the paralegals the CBEs are supposed to conduct civic education. The CBEs have conducted civic education extensively and their introduction in the paralegal programme has strengthened civic education. However, most of the CBEs are trained using the paralegal curriculum in vernacular languages. Unfortunately almost all the CBEs seem to have understood the subject matter mainly by sub-headings. Due to the complexity of the curriculum that the CBEs underwent, the CBEs indicated that they become very selective in presenting the civic education programme, they talk of issues that they have grasped and avoid others which are complex. The CBEs have no manual in vernacular languages on which to base their training to their communities.

**The need to simplify and review the manual cannot be overemphasised if uniformity in programme presentation could be achieved.** As indicated above the manual is too legal and may not easily be internalised by the trainees. **The work of Malawi CARER with the community is related to solving their day-to-day social and legal problems related to human rights, access to justice and fundamental freedoms. Therefore the manual**

**should be simplified to attain this goal.** To simplify the manual the following need to be taken into consideration:

- Experts in effective communication and development of training manuals should review the manual;
- The involvement of good civil educator in re-drafting and reviewing the manual is crucial;
- The establishment of a working group at national level to review the training material and methods;
- The involvement of Malawi CARER and donors through the working group stated above.

#### 5.6.2 Legal advice and representation

The paralegal programme offers legal advice and sometimes representation, in the form of intervention, to many clients. Legal representation is, however, not a priority. Paralegals convene alternative dispute resolution (ADR) meetings to sort out problems between community members through mediation and negotiation. The use of litigation in conflict resolution is seen as a measure of last resort. This is so because litigation is costly, time consuming and strains human relationships. There is need to train the paralegals further on ADR processes particular on resolving conflicts related to land, marital disputes, maintenance, claims for damages/injury caused by motor vehicle accidents and inheritance related disputes.

Like the paralegals the CBEs are also involved in dispute resolution using ADR processes but only for minor disputes. Difficult legal and social disputes brought to the CBEs are usually referred to the paralegals for redress.

The success indicator of the paralegal programme is the fact that many community members are aware of the programme's existence in their community. The number of cases being handled by the paralegals is on the increase and communities where the CBEs are not established demands for the programme establishments in their communities according to the interviewees.

#### **5.7 Reporting and support from the Blantyre (Head) Office to the paralegals**

Malawi CARER's referral of cases from the paralegals to the Blantyre office is problematic. The paralegals used to refer cases directly to the legal officers of Malawi CARER. It was the opinion of the paralegal co-ordinator and Deputy Director of Malawi CARER that referrals from the paralegals are supposed to be sent to the paralegal co-ordinator. The paralegal co-ordinator should in turn refer such cases to legal officers should need be. The paralegals indicated that cases referred to the Blantyre office were the ones that needed the attention of a legal officer; consequently paralegals felt sending cases to their co-ordinator wasted valuable time.

Despite the fact that the paralegals in the field raised this concern related to referral of cases for legal representation the management indicated that the problem related to referral arose due to personal issues that have long been resolved.

Another area of concern is the referral of personnel related issues of the paralegals to Malawi CARER. Sometimes the paralegals have directly approached the management without approval of their co-ordinator and decisions have been taken that could not be reversed though such decisions put the programme in an awkward position.

Many cases referred to the Malawi CARER's legal officers by the paralegals were not attended. As there were no legal officers at the time of conducting this evaluation their view on this issue could not be obtained.

The impact of the programme will be strengthened if a managerial directive is issued that instructs all the paralegals to first direct all their concerns and cases directly to their co-ordinator. All the referrals of the clients to the legal officers should be approved and signed by the paralegal co-ordinator before the legal officers accept them for consideration. A referral form should be designed and it should bear the signature of the paralegal making the referral and the paralegal co-ordinator's signature approving such referral.

Of concern is also the fact that despite the paralegals sending three monthly report to Blantyre feedback from Blantyre office to the paralegals was rarely forthcoming. The paralegals are however, satisfied with the logistic support they got from Blantyre with the exception of the Mzuzu office which seemed to face logistic problems in terms of office equipment, transport and non availability of a phone. Mzuzu office lost its car in a fatal accident.

Some of the problems mentioned above could be overcome if Malawi CARER puts into place all the necessary rules and regulations to govern programme implementation and staff-to-staff work related interaction. It also entails that the co-ordinator of the paralegals should see him/herself as a field worker and periodically visit all the regional paralegal office for supervision and monitoring purposes.

The CBEs report to the district paralegals by filling in a monthly-standardised report on activities carried out and problems faced in the field. This method seems to work well but lack of stationery and stamps seems to pose problems. Most CBEs get feedback on their report-back from the paralegals in time. Malawi CARER has provided a bicycle to each CBE and this has not only improved the mobility of the CBEs but has also motivated them. The problem arising from this exercise is that there will be need to give the CBEs periodic allowances for the maintenance of the bicycles.

From the point of view of interviewees from the CHRR, Malawi CARER and Ombudsman office the referrals from the Blantyre head office to CHRR, Legal Aid and the Ombudsman office seemed to be running well.

### **5.8 The role being played by the paralegals in human rights monitoring**

The long-term consequences of the past undemocratic rule are the aftermath of human rights violations. In monitoring the human rights violations the paralegals visit the communities and talk to community leaders and affected community members. Individuals whose rights have been violated may as well approach the paralegals' offices. Several examples emerged for example in Mulanje the paralegal office handles up to thirty cases per day most of them related to unlawful dismissal and claims from insurance for damages

caused by motor vehicle accidents. In Dedza one of the TA or Chief's father was disposed as a chief by the then one party regime and a replacement was made. The disposed chief's son (who is the chief now) was exiled for twenty years in Mozambique. When Malawi became democratic he came back but not as a chief, it was with the help of the paralegal who undertook consultations with the people that he was enthroned as chief.

According to the CHRR legal officer Malawi CARER is in the forefront of protecting human rights. Paralegals after noting any human rights violation take it on behalf of their clients to solve the problem with the relevant authorities, in this way not only do they monitor but also protect human rights.

In the monitoring of human rights it is crucial that the paralegals work with the legal department and take test cases to court. Once verdicts are passed on cases of human rights violations precedents are set.

To ensure an increase in the monitoring of human rights Malawi CARER has to publicise its paralegal activities and offices.

### **5.9 Follow-ups**

The Blantyre paralegals offer follow-up services to some clients whom the paralegals visit periodically or the clients periodically visit the office. This trend seems to be the general practice in Mzuzu, Dedza and Mulanje.

Follow-up on training seems to be problematic as has already been highlighted there was no follow-up training for both the paralegals and the CBEs.

Follow-up mechanisms are crucial to ensure those services and/or training provided attained the desired outcome. It is imperative that follow-up activities become part of the paralegals' work plan.

### **5.10 Monitoring and evaluation mechanisms for the paralegal programme.**

A GAPS assessment study was conducted on the CBEs as a process of evaluating the paralegal programme as it relates to the CBEs. This assessment indicated that the CBEs did not totally comprehend what they learnt in the training, pointing to the need for follow-up training.

By submission of reports on the activities to the paralegals and the paralegal co-ordinator the CBEs and the paralegals' activities are monitored. The CBEs submit a standardised report to the paralegals on a monthly basis while the paralegals submit quarterly reports to the paralegal co-ordinator. The paralegal co-ordinator submits the paralegals reports to the management for final decisions. The paralegals indicated that they do not get feedback on most of their reports. The problem seems to lie with the management not giving feedback.

To have an effective monitoring system there is need to develop service forms and standard evaluation forms for different activities that should be reduced to a database. This is done by reducing the information on such forms into codes to be entered into a database. Statistical information can thus be provided to the paralegals quarterly and annual activity reports can reflect statistically what has happened in the field. This will help in the planning

of activities. The paralegal co-ordinator should undertake periodic field trips as part of the monitoring and training.

## PART VI

### ADMINISTRATIVE CAPACITY AND PERSONNEL NEEDS

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The paralegal programme is an integral part of Malawi CARER's administrative and financial management system. The paralegal co-ordinator works as administrative and field staff. It would have a great impact on the programme if the administrative activities of the co-ordinator were restricted to the supervision of the paralegals and report-back to the management. In actual sense the project co-ordinator should work as field workers and restricted administrators.

#### 6.1 The management

Chirwa (2000; 9) describes the management of Malawi CARER as being "a lean one" i.e. it is focused or small in composition. Because the management is lean the legal officers and the co-ordinator execute both administrative and fieldwork leading them to being "overloaded". To overcome this situation Chirwa then calls for a proper demarcation between administrative and project staff and he further calls for the creation of a managerial post. While such initiatives may strengthen the service delivery system of Malawi CARER, it should be borne in mind that a co-ordinator of a project is both a project and an administrative staff. A co-ordinator should write the funding proposals and draft budgets, he/she should supervise and conduct appraisal of his/her project staff and he/she should write periodic progress and activity reports. The co-ordinator should serve as a bridge between the management and the paralegals in personnel issues and the management should not entertain issue brought to them directly by paralegals without authorisation of the co-ordinator unless such issues are related to complaints laid against the co-ordinator by the paralegal(s). By executing these tasks a co-ordinator acts as an administrative staff. On the other hand a co-ordinator should conduct field work such as providing direct service to the clients, plan project activities in consultation with the paralegals, conduct training and civic education and establishing a network with other role players and stake holders. From the interviews with the management it was evident that the paralegal co-ordinator has been executing both tasks though both tasks need to be strengthened through specialised training.

The management needs to be strengthened too. At the time of conducting the evaluation the Deputy Executive Director (DED) is involved in project activities and according to Chirwa (*supra*) this "overloads" the DED. This "overloading" could be avoided if the DED was assigned to do purely management activities. Though the DED should act as the Executive Director (ED) in the absence of the latter, he/she should be a purely administrative staff. A distinction should be made between the Executive Director (ED) and the DED. The ED, like a co-ordinator, is an administrative and project staff. The DED should only act as both a project and an administrative staff in the absence of the ED only.

The post of the administrative manager that seems to be crucial should be filled up by the DED. Another distinction needs to be made between the field and administrative staff. In the opinion of the evaluator the administrative staff should comprise of the following:

- The Executive Director;
- The Deputy Executive Director;

- Staff of the accounts section/department;
- Drivers;
- Cleaners;
- Secretaries.

On the other hand the field staff should comprise of the following:

- The Executive Director;
- The co-ordinators of the legal and paralegal sections/departments;
- The paralegals and legal officers.

If such distinctions are made the co-ordinators will have to report to the DED on administrative issues and to the Executive Director on project issues. This outline seems to work well for other similar regional organisations such as the Legal Assistance Centre in Namibia.

### **6.2 The co-ordinator of the paralegals**

In the past, the paralegals had referred cases directly to the lawyers, in the process, not all the cases referred needed legal representation and due to lack of transparency such cases were shelved as they did not merit litigation. Taking into consideration the referral problems it may be argued that the co-ordinator of the paralegals should be one of the legal officers. This, however, will have the negative impact of legalising the paralegal programme, consequently the current set-up need to be strengthened to avoid problems in the referral base. This can be attained by:

- The management expressly instructing the paralegals to direct all referrals to the paralegal co-ordinator;
- The management expressly instructing all the paralegals to direct all the matters related to personnel or administrative issues and field work to their co-ordinator.
- Both the legal officers and the management need not entertain issues related to the paralegal programme without the approval of the paralegal co-ordinator.

One of the measures to strengthen the paralegal programme is to ensure that the co-ordinator should be a field officer and should spent some quality time in the field conducting training. This will however, leave a gap in the management of Malawi CARER. Pointing to the need to strengthen the management as indicated above.

In the paralegal programme of the Legal assistance Centre in Namibia at different times both lawyers and other professionals have been employed as paralegal co-ordinators. The experience from the Namibian set-up is that paralegals or any other departmental staff under the co-ordinator cannot directly take their cases to the Manager or Director before discussing such issues with their respective co-ordinators. This seems to work well for the thirteen year of the Legal Assistance Centre's existence.

### **6.3 The paralegals**

All the three paralegals in Dedza, Mzuzu and Mulanje are males. There is need to bring in gender sensitivity in the recruitment of paralegals. Female clients faced with domestic

violence may find it had to seek help from male paralegals. All the community-based offices of the paralegals were understaffed. There is need to have at least two paralegals per office.

There has been a high staff turn over of paralegals of Malawi CARER. This phenomena was attributed to the lack of the following:

- Job security – paralegals have no pension and other benefits though they are well paid;
- Lack of a staff development programme for Malawi CARER's staff.

Malawi CARER, however, has exposed some of the paralegals to internship and external exposures to other systems. However, this seemed not to be enough as many paralegals left the programme for further studies.

#### **6.4 The Drivers**

The purpose of the drivers for the paralegals defeats the need to optimise resources. Paralegals, legal officers and the co-ordinator of the paralegals as field officers must have valid driver's licences and must drive themselves. In the evaluator's opinion there is no need to employ drivers for paralegals or any other field staff. It will be worthwhile to reduce the number of drivers for the Blantyre office too. The Legal Assistance Centre, which runs paralegal programmes in Namibia, has more than 40 members of staff at the head office and one driver. All the technical staff (paralegals, social workers, lawyers) including the Director have to drive themselves. Only on long distances may the Director and/or the manager seek to be driven either by one of the lawyers, social workers, paralegal or the driver, all the other staff, with the exception of the manager, have to drive themselves while doing field work.

#### **6.5 CBEs**

The CBEs are not staff of Malawi CARER but volunteers. They are discussed here as an extension of the Malawi CARER's community-based paralegal programme.

Taking into consideration the vastness of the areas to be covered by the CBEs it was clear to the author that more CBEs need to be deployed in the field. Malawi CARER has tried to facilitate CBEs' access to the community by providing a bicycle to each CBE. This is a motivating factor and will help in increasing the coverage of the community. However, this also entails that Malawi CARER should plan to provide allowances to the CBEs for the maintenance of the bicycles. The following were the problems CBEs indicated were affecting their work:

- Vastness of the areas of the operation;
- Lack of allowances to enable them to meet their basic needs required for any trainer;
- Training was short and there were no follow-up courses;
- Some CBEs have no identity document;
- Transport problems.

#### **6.6 Legal Officers**

The legal officer(s) of Malawi CARER should be seen and treated as an important and vital component of the paralegal programme though they may operate as an independent department/section. Most of the cases that handled by the paralegal as per the "Introduction to paralegalism" are:

- Accident damages;

- Assault and injury damages;
- Debt collection;
- Maintenance;
- Deceased estates;
- Matrimonial cases-divorce;
- Other delicts:
  1. Breach of promise to marry,
  2. Adultery;
  3. Defamation.

This category exclude cases involving institutional violations of human rights such as those committed by the state organs. Consequently legal officer need to be involved in this aspect of human rights protections and promotion. It also be noted that essential and follow-up training related to legal issues, particularly on legislative changes, for the paralegals may be conducted by the legal officers. In short as part of the programme legal officers should execute the following:

- Training of all role-players;
- Giving legal advice and training on alternative dispute resolution processes;
- Legal representation in institutional human rights violation cases.

## PART VII

**GOVERNMENT SUPPORT AND COMMITMENT AND PROGRAMME SUSTAINABILITY**

The paralegals and the CBEs have embarked on empowering communities on issues of human rights but have not lobbied and advocated enough for policy changes at the levels of decision-making in and outside the communities of their operation. The sustainability of the paralegal programme largely depends on the government commitment and support to it. Seminars need to be conducted by Malawi CARER for parliamentarians, policy makers and law enforcement agents to ensure that there is policy and legislative changes and their implementation thereafter. The Ministry of Education, the Ministry of Gender, Youth and Community Work and the Inspector General of the Police should all be lobbied to ensure that their community-based workers are involved in human rights activities.

The need to promote and protect human rights is intrinsic to the promotion of the rule of law, democracy and good governance. Without promoting and protecting human rights, particularly of marginalised individuals and communities, democracy, good governance and the rule of law will not be strengthened. It should not entirely rest on NGOs to promote human rights but on the politicians and legislators too. The politicians have access to the rural communities; however, their visits focus on political campaigns rather than on human rights promotion and protection. Malawi CARER should establish strategies for lobbying for the support of legislators and politicians.

Malawi CARER is getting support from the office of the Ombudsman, District Commissioner, Social Welfare and the Legal Aid Department, where it refers some of its clients. The Registrar of the High Court and the Director of Gender all pledged to work with the paralegal programme if approached. The Director of Gender sits with Malawi CARER on a committee dealing with gender issues. In short, the government appreciates the work CARER is undertaking.

At community level the police officers, teachers, and councillors interviewed pledged their support for the paralegal programme the CBEs, however, did not make efforts to reach out to them. These institutions acknowledged knowing the existence of the paralegal programme in their communities through CBEs but they were hardly drawn into it. **For sustainability of the programme Malawi CARER should seek to involve government institutions and personnel at community level in its paralegal programme.** The personnel of the following ministries and government institutions should be drawn into the programme at both national, district and community levels:

- Ministry of Gender, Youth, Community Development and Social Welfare;
- Police;
- Councillors (Local Government);
- Ministry of Land Physical Planning and Surveys;
- Ministry of Education Sports and Culture;
- Ministry of Health and Population;
- Parliamentarians.

Taking all factors into consideration Malawi CARER still occupies the central position in the protection and promotion of human rights of people in rural areas as well as urban set-ups.

## PART VII

### SUMMARY OF FINDINGS, RECOMMENDATIONS AND CONCLUSIONS

It is evident that Malawi CARER's paralegal programme is central to human rights promotion and protection both in urban and rural areas. Its activities both in urban and rural areas has had an lasting impact in making justice accessible to the indigent, empowering the marginalised individuals, promoting of human rights, rule of law and good governance. The CBEs are a unique entity of the programme that will ensure a wide outreach of the programme. In view of this the proposals below are made regarding Malawi CARER's paralegal programme.

#### 7.1 Design and delivery of the training programme

The design and delivery of the training programme should be need-oriented while the programme for legal or civic education should be generic and dependent on the legislative, human rights and political situation at a particular time. The paralegal programme services such as conflict resolution through mediation are need oriented while the training and civic education are not.

Currently some of the common social problems related to human right that need to be reflected in the programmer are:

- Claims of third parties from insurance for accidents;
- Land and environmental problems;
- HIV/AIDS and orphans of AIDS;
- Gender issues and women and child abuse;
- Labour issues especially in Mulanje;
- Inheritance from deceased estates;
- Child maintenance;
- Lack of knowledge on human rights and the law;
- Inaccessibility of justice in conflict resolution;
- Poverty and food insecurity;
- Wife inheritance.

Malawi CARER needs to conduct periodic need assessment and situation analyses to inform planning and periodic review of the training programme. The manual should be reviewed to make the information in it accessible to those who need it.

Malawi CARER need to produce brochures on human rights in English and vernacular languages for the community consumption. This should be seen as part of the paralegal outreach activities.

#### 7.1.1 Design of the training programme

##### Weaknesses

- A. Design of the training programme
- The manual, on which the training is based, is complex and cannot be easily grasped by both the paralegals and the CBEs;
  - The manual has not been reviewed to reflect the training needs of the trainees;

- Translation of the manual into vernacular languages has not been completed;
- The manual has no pictorial or graphic aids;
- The manual was not tailored to meet the different levels of the trainers and trainees;
- The manual is not need oriented or directed;
- The manual has not been reviewed to accommodate legislative changes related to human rights;
- The manual has not been designed to differentiate between legal education and empowerment training programmes.

#### Strength

- The manual serves as the basis for human rights promotion and legal education;
- Both the paralegals and the CBEs have used the manual creatively to implement the programme.

#### Proposals and recommendations

- The manual should be reviewed and redesigned by a person who has comprehensive information on training programme design;
- There is need to differentiate between the CBE and paralegal training programme;
- There should be a legal education training programme and an empowerment training programme;
- The training programme should aim at addressing the social problems and human rights monitoring;
- The legal education should focus on legislative reform and human rights situation;
- All training should be accompanied by standard evaluation and periodically the evaluation feedback need to shape the manual content and structure;
- A reviewed manual should incorporate the following:
  - a) Pictorial and graphic presentations;
  - b) Brainstorming exercises;
  - c) Role-plays;
  - d) Ice breakers

#### 7.1.2 The delivery of the training programme

##### Weaknesses

- For both the CBEs and the paralegal training the time was too short;
- There were no follow-up the paralegals and CBEs' training;
- An information giving method was used in training the paralegals and CBEs;
- Participatory was limited to questioning method in the training of paralegals and CBEs;
- There was no specialised training for both the paralegals and the CBEs.
- No training of trainers course was conducted for the paralegals though they had to train the CBEs;
- There is more reliance on the paralegal manual and legal papers presented by lawyers, both set of documents are too academic and complex for most trainees;

- The training material was the paralegal manual, which was too complex for both the paralegals and the CBEs.

### ***Strengths***

- Different role players are involved in the training of the paralegals e.g. lecturers and legal practitioners;
- Malawi CARER has established capacity to train both its personnel and those of other institutions;
- In conducting their training the CBEs use poems, songs, dances and drama, consequently ensuring community participation;
- Both the paralegals and the CBEs use vernacular languages in conducting civic education.

### ***Proposals and recommendations***

- There is need for an intensive training of trainers course for the paralegal co-ordinator and the paralegals;
- Review of the manual should incorporate exercises that promote participation of the trainees;
- The training tasks of the paralegal co-ordinator, the paralegals and the CBEs should be identified and classified.

## **7.2 Selection of candidates for training**

### ***Weaknesses***

- Most trainees for the paralegal training were recruited centrally and were former students of law. This process has led to high turnover of paralegals in the service of Malawi CARER.

### ***Proposals and recommendations***

- Recruitment of candidates for the paralegal training should be from the areas which the programme want to serve;
- There is need to recruit other professionals such as teachers;
- The candidates should meet the following criteria also:
  - a) Must at least have completed form four;
  - b) Must be fluent in English and vernacular language of their area of operation;
  - c) Must have a good personality and be able to interact with the community.

## **7.3 Recruitment and deployment of paralegals**

### **7.3.1 Recruitment**

#### ***Weaknesses***

The candidates for training as paralegals are recruited centrally but deployed in other towns in other regions where the paralegal programme is operational. In this process Malawi CARER had too much paralegals deployed in the field to locations with which they are familiar and whose language they speak;

#### ***Proposals and recommendations***

The selection of the paralegals should be aimed at finding individuals who are committed, reliable, self reliant and energetic and with appropriate knowledge and skills to carry out the

tasks successfully. There is need for gender balance in any recruitment. The following proposals are made with regard to recruitment and retention of paralegals by Malawi CARER:

- Consideration should be given to recruiting not only ex-law students but also other members of the community such as teachers;
- Malawi CARER needs to review its conditions of service and should aim at making them comprehensive;
- Resources should be sought for Malawi CARER to provide on-job staff development programme;
- Every paralegal programme office need to have at least two paralegals one of each sex;
- There is need to create conditions that provides job security to the staff of Malawi CARER's staff.

#### **7.4 Implementation**

The major strategies used in programme implementation are the paralegals and the CBEs and to some extent the legal officers.

##### **Weaknesses**

- For both the paralegals and the CBEs the activities are not well planned;
- CBEs are not involving community based NGOs and government institutions in their activities;
- The number of paralegals is not enough;
- There is no specialised training for the staff of the paralegal programme;
- The involvement of the legal officer of Malawi Carer in the paralegal programme is not well defined and co-ordinated by the management.

##### **Proposals and recommendations**

- To ensure accountability activity implementation should be planned quarterly;
- Follow up on training conducted should be an integral part of the work plan;
- To ensure that the programme is accessible the following need to be considered:
  - a) Media campaign on human rights and law;
  - b) Production of brochures for public consumption;
  - c) Increase the number of paralegals per each office, at least two per office;
  - d) Involvement of community-based government institution in Malawi CARER's paralegal programme activities.

#### **7.5 Reporting and support from Blantyre**

With regard to the paralegal programme the report-back between the paralegal and the Blantyre office was problematic.

##### **Weaknesses**

- The paralegals have at times directed their personnel issues directly to the Executive Director (DE) or to the Deputy Executive Director (DED) bypassing their co-ordinator. Once these entities make a decision the co-ordinator can not alter it;
- The paralegals had in the past referred cases directly to the lawyers bypassing their co-ordinator;
- There is no database for the services provided to the clients;

- The paralegal co-ordinator is involved in many administrative issues sometimes to the detriment of the field work;
- The involvement of the legal officers is not well defined as human rights litigation is not seen as a priority by Malawi CARER

### **Proposals and recommendations**

Malawi CARER will improve on its report-back mechanism if it considers the following:

- There is need to redefine the tasks of the ED and DED so that the DED execute the managerial tasks related to administration while the DE should be involved in project activities by seeking funds and reviewing project reports periodically;
- A planning committee made up of all the co-ordinators, the ED and the DE need to be formed and all co-ordinators should submit quarterly progress reports to this committee;
- The role to be played by Malawi CARER's legal officer in the paralegal programme should be defined. The paralegal officers may help in legal education and monitoring of human rights by conducting research and field visits.
- For every civic education programme conducted by the a paralegal a detailed report need to be sent to the co-ordinator at the head office;
- Training activities and legal education programme should be planned for half a year;
- Both the paralegal co-ordinator and the legal officers need to spend quality time in the field;
- Every paralegal need to submit a three-month work plan and allocation of resources to each district office should be based on such work plan.

## **7.5 Monitoring and evaluation**

### **Weaknesses**

- Malawi CARER has not published enough pamphlets and brochures on human rights and law for community consumption. This has led to the communities not being well informed;
- Electronic media has equally not been used to a greater extend mainly due to financial constraints;
- Due to the vastness of the area Malawi CARER can not reach all the people in need;
- As there is no database most evaluation of the activities of Malawi CARER is qualitative;
- The CBEs have not effectively drawn into their activities other community based structures/institutions;
- Training for policy makers and legislators is not prioritised;
- The number of test cases taken to court by Malawi CARER's legal officers are very few thus not setting a precedent for human and constitutional rights observation.

### **Strengths**

- Malawi CARER has a structure into place for monitoring human rights violations;
- People who need help are usually referred to Malawi CARER.

### **Proposals and recommendation**

To ensure that monitoring is effective consideration need to be paid to the following:

- a) There is need to establish human rights fora at district level and human rights committees at community level. The objectives are to draw in as many community based organisations and community members in each locality. Such a forum/committee should be established with the objectives based on what the community and partners would want to see transpiring in their locality;
- b) Strategies to ensure that the CBEs work with a team of other role players should be developed in consultation with the community.
- c) Bearing in mind the voluntary nature of the CBEs and such fora/committees if formed, it is understandable that they will require guidance and substantial support from the paralegals and the Blantyre office if they are to succeed.
  - There is need for publicity through advocacy and lobbying with both the communities, policy makers, law enforcement agents and the legislators;
  - A use-friendly evaluation form need to be designed for the evaluation of some of the activities of the paralegal programme;
  - A database should to be set for the service delivery system.

#### **7.6 Service delivery forms**

There several service delivery forms that are used by the paralegals in the service delivery system among them the following:

- A form used to help the paralegals whether the clients' cases are worth handling;
- A form that serves as the CBEs' report.

#### **Weaknesses**

- Both forms comprises of open-ended questions, therefore some of the variable in them could not be quantified;

#### **Proposals and recommendations**

The service delivery forms should include both close-ended and open-ended questions.

#### **7.7 Activity prioritisation**

In conclusion, all the activities of the paralegal programme are equally important and mutually reinforcing. However, from the interviews it emerged that more emphasis should be on empowerment training programmes aimed at resolving day to day social problems such as HIV/AIDS and land issues and conflict resolution. It should be appreciated that the impact of paralegal programme can be enhanced if the programme is focused; wideness in activities implementation undermines the effectiveness of the programme. **Activities need to be prioritised in terms of the following criteria:**

- **Their response to community needs;**
- **Their response to legislative changes;**
- **Their response to the human rights situation prevailing at a particular time.**

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## TERMS OF REFERENCE FOR AN ASSESSMENT OF THE PARALEGAL PROGRAM OF MALAWI CARER FROM 1996 TO 2000

### I. TITLE

Assessment of Malawi CARER's Paralegal Programme from 1996 to 2000.

### II. OBJECTIVE

To provide Malawi CARER with an objective assessment of the delivery of its paralegal programme in Blantyre and the three regions of Malawi. This assessment will act as a planning tool for Malawi CARER and its partners. It will focus on the process from recruitment and training of paralegals to their field work and delivery of services to beneficiaries, ending with the impact on improving access to the formal system of justice. It will identify the strengths of the programme and make recommendations as to how these strengths can be augmented and built upon. It will also identify weaknesses in and constraints to the programme and make recommendations as to how these can be addressed with a view to improving the overall quality of the service delivered by the paralegals in the most cost-effective way possible.

### III. BACKGROUND

During the thirty years of one party dictatorial rule which ended in 1994, the administration of justice in Malawi was politicized and largely ineffective. The prevailing political authority prevented the institutions of justice from exercising their proper function of delivering and safeguarding justice. Criminal jurisdiction was *de facto* transferred to the traditional courts which also dealt with all important political cases. These courts did not operate according to international standards. Lawyers were largely confined to dealing with commercial cases.

After Malawi's first democratic elections in 1994, a new constitution was adopted which enshrined human rights and the rule of law. However, due to years of neglect and a totalitarian regime characterized by pervasive disregard for the promotion and protection of human rights, the criminal justice system in Malawi is effectively dysfunctional and in crisis.

Section 42 of Malawi's Constitution, Chapter 4, guarantees every person detained the right to consult confidentially with a legal practitioner of his or her choice. In addition it guarantees every person the right to a fair trial which includes the right to be represented by a legal practitioner or, where it is in the interests of justice, to be provided with representation at the expense of the State. Section 41 guarantees every person the right to access to any court of law or other tribunal for final settlement of legal issues.

There are currently approximately 4 Legal Aid lawyers in Malawi. They are based in Blantyre and Lilongwe. The city of Mzuzu and major centre of Zomba (where the Central Prison is based) do not have the benefit of legal aid advocates. The population of Malawi is approximately 10 million.

In Malawi very few people can afford to retain lawyers to advise or represent them. There are very few legal houses in Malawi and almost all are located in the urban centres of Blantyre and Lilongwe. There are no lawyers in the rural areas where some 90% of Malawians live. The cost of hiring a lawyer is prohibitive at approximately US\$50 per hour. The average Malawian per capita income is around US\$200 per annum. In effect, legal representation is a theory rather than a reality.

CARER is the lead organization offering free advice and (where resources permit) legal representation to poor people. This service is implemented through the Paralegal Scheme and lawyers based at Head Office in Blantyre. CARER currently has six paralegals in the field, two in each of Malawi's three regions, Mulanje in the South; Dedza in the Centre and Mzimba in the North. The Chief Paralegal Officer, the Legal Officer and two more paralegals service the office headquarters in Blantyre where 'advice clinics' are held three times a week. The queues waiting for assistance on these days are a testimony to the need for this kind of service.

CARER has been operational since 1995 and has established a reputation for providing free advice and training on legal and human rights to disadvantaged people. It is respected as an organization which provides training for paralegals, and other NGOs have participated in its programs. It has done valuable work in promoting the use of paralegals as a means of enhancing access to justice for people too poor to pay for representation or advice. As part of this service the paralegals conduct training in the area of legal and human rights, provide advice as to how best to resolve issues, and provide a forum for the mediation of disputes. The challenge is how to best provide this service to a wider group of beneficiaries as well as improving and standardizing the quality of the service provided, while aiming for an affordable and sustainable service.

To this end CARER has put in place a Strategic Plan, it also commissioned an assessment of its overall program which was carried out in December 1999. The Contractor will take these and any other relevant documents into account in carrying out this assignment.

#### IV. SCOPE OF WORK

The contractor shall conduct a comprehensive study of the paralegal services provided by Malawi CARER. The study shall cover but need not be limited to the areas defined below. The study may take account of any similar initiative underway in Malawi for the purposes of comparison. Based on these findings the contractor shall make recommendations for strengthening the program from the recruitment of paralegals, through the design and delivery of training, deployment, activity prioritization, implementation, reporting and monitoring and evaluation. The study shall also consider the issue of retention of paralegals.

##### Areas of focus:

The overall aim of the recommendations which will stem from the following areas of focus is to improve the quality of paralegals fielded and the service which they are able to provide. Any organizational changes which would facilitate implementation of the recommendations shall be noted.

- A. **The design of the training program:** For example: Is the information contained in the training manual simple, and easily accessible? Is it readily understandable by a lay person without any legal training or background? Has the syllabus been amended to reflect feedback from trainees or the experience of paralegals once in the field? The contractor shall make recommendations as to any changes, additions or subtractions to the manual which would improve the impact of the training program. This shall include a component dealing with human rights monitoring.
- B. **The delivery of the training program:** The contractor shall review available materials and interview participants and trainers from past programs in order to assess the delivery of the program and make all necessary recommendations for strengthening the way in which the program is delivered, including a focus on participatory methods.
- C. **The selection of candidates for training:** The contractor shall review the method/s adopted for recruiting candidates for paralegal training and make recommendations as to how this process may be strengthened with a view to finding and retaining committed, dynamic, self reliant, energetic and accountable staff.
- D. **Deployment:** Currently CARER recruits centrally and then deploys paralegals to one of the three districts in which it is operational. Every effort is made to deploy individuals to locations with which they are familiar and speak the local language. However, the turnover has been high. The Contractor shall investigate other options for successfully placing paralegals in local communities, including considering the pros and cons of training genuinely community based local people to possibly a lower level. In considering this, the Contractor shall pay particular attention to the lessons learned by CARER in Dedza, Mulanje and Mzuzu, as well as any other relevant local, regional, or international examples.
- E. **Materials:** The Contractor shall review the materials currently in use by the paralegals in both their training and advice sessions; and make recommendations as to how, where necessary, these materials need to be augmented, updated or improved.
- F. **Activity prioritization:** The Contractor shall review the range of activities currently undertaken by paralegals and define in consultation with them, the management of CARER and the beneficiaries in the areas in which the paralegals are working, which activities should be the prioritized and how.
- G. **Implementation:** The Contractor shall review the strategies and methods for implementation of the paralegal program with a view to making recommendations for its improved accessibility, comprehension and effectiveness where appropriate.

- H. **Reporting to and support from the Blantyre (Head) Office:** The Contractor shall assess the current practice in this regard and make recommendations to contribute towards improving the service delivery to beneficiaries in the field as well as those receiving advice from the Blantyre-based paralegals. This aspect will address the roles played by both the paralegals and the Blantyre-based 'management' level, and will pay particular attention to the role that lawyers working for CARER can and should play.
- I. **Human Rights Monitoring:** Recognised as a leading human rights group in Malawi, CARER has a role in the monitoring of human rights. Its paralegals are very well placed to be able to monitor the local situation as well as anticipate problems and mediate. The Contractor will assess the role played so far by the paralegals and make recommendations as to how this aspect can most effectively be handled in the field. The aspect of documentation and reporting should be given particular attention.
- J. **Monitoring and Evaluation:** The Contractor shall make recommendations geared towards streamlining and facilitating monitoring and evaluation of the paralegal program including 'user friendly' periodic reporting from the field.

## V. REPORTS AND DELIVERABLES

By the beginning of the third week after his/her arrival in-country, the contractor shall provide to USAID and Malawi CARER a complete draft of the report for review and comment. Following submission of the draft report, a joint review meeting between USAID and Malawi CARER will be held to discuss the draft report. The first draft shall follow the general format as follows:

1. Executive Summary
2. Purpose of Assessment
3. Background
4. Body of the Report
5. Summary of Findings
6. Recommendations
7. Appendices

By the end of the 4th week and prior to departure from Malawi, the contractor shall incorporate written and oral comments into the final report, six copies of which shall be submitted to Malawi CARER, and three to USAID.

## VI. RELATIONSHIPS AND RESPONSIBILITIES

The Contractor will work under the direction of the Team Leader for Democracy and Governance, USAID/Malawi. This assessment exercise will be participatory and collaborative in nature. Accordingly the Contractor will undertake wide consultations with stakeholders including but not restricted to: the communities in Dedza, Mulanje and Mzuzu districts with whom the paralegals have been working, including but **NOT** restricted to traditional authorities and other local leaders; NGOs involved in the administration of justice and human rights; the police; the prisons; the Office of the Administrator General and relevant Chief Executives at district level; the High Court; the Ombudsman; the Human Rights Commission; the National Compensation Tribunal, the Law Society and other relevant actors.

## VII. PERFORMANCE PERIOD

The field work will be carried out over a four-week period. The Contractor will be authorized a six day work week with no premium pay.

## ANNEXURE B

### LIST OF INTERVIEWEES

No.	Name	Location	Position
1	R. Mahale	Mulanje	CBE
2	S. Khazula	Mulanje	CBE
3	N. Harry	Mulanje	CBE
4	E. Vilanda	Mulanje	CBE
5	I. Adam	Mulanje	CBE
6	G. Savieri	Mulanje	CBE
7	L. Chitsulo	Mulanje	CBE
8	S. Kaponda	Mulanje	CBE
9	F. Goliati	Mulanje	CBE
10	R. Maponya	Mulanje	CBE
11	C. Mapinda	Mulanje	CBE
12	B. Chitambuli	Mulanje	CBE
13	I. M'mwala	Mulanje	CBE
14	M. Chiunda	Mulanje	CBE
15	M. Lupiya	Mulanje	CBE
16	V. Namero	Mulanje	CBE
17	C. Hare	Mulanje	CBE
18	C. Banda	Mulanje	CBE
19	M. Mkwate	Mulanje	CBE
20	I. Mpeni	Mulanje	CBE
21	F. Kamwendo	Mulanje	CBE
22	L. Tebulo	Mulanje	CBE
23	M. Nazombe	Mulanje	CBE
24	A. Chimangeni	Dedza	CBE
25	R. Charuluka	Dedza	CBE
26	E. Kabango	Dedza	CBE
27	D.m. Banda	Dedza	CBE
28	K. Nkhowyo	Dedza	CBE
29	F. Kanyawa	Dedza	CBE
30	C. Kathako	Dedza	CBE
31	M. Matukuta	Dedza	CBE
32	P. Kadzakumanja	Dedza	CBE
33	A. Mbema	Dedza	CBE
34	C. Chogawana	Dedza	CBE
35	N. Mbatata	Dedza	CBE
36	G. Kuseli	Dedza	CBE
36	F. Tambili	Dedza	CBE
37	H. Kaluzimbi	Dedza	CBE
38	S. Botomani	Dedza	CBE
39	G. Kaliati	Dedza	CBE
40	Z. Vaisoni	Dedza	CBE
41	L. Tebulo	Dedza	CBE
42	I. Dzala	Dedza	CBE
43	J. Kumwenda	Mzimba	CBE
44	L. Phiri	Mzimba	CBE
45	A. Mhango	Mzimba	CBE
46	V. Nyirenda	Mzimba	CBE
47	D.m.c. Mkandawire	Mzimba	CBE
48	A. Msowoya	Mzimba	CBE
49	E. Moyo	Mzimba	CBE
50	Ofex chavula	Mzimba	CBE
51	K. Kumwenda	Mzimba	CBE
52	L. Matundu	Mzimba	CBE
53	Osten chavula	Mzimba	CBE

54	P. Moyo	Mzimba	CBE
55	I. Chisi	Mzimba	CBE
56	E. Chisiza	Mzimba	CBE
57	E. Kamanga	Mzimba	CBE
58	S. Simeza	Mzimba	CBE
59	M. Nyirenda	Mzimba	CBE
60	P. Gondwe	Mzimba	CBE
61	A. Nyirenda	Mzimba	CBE
62	W. Lusale	Mzimba	CBE
63	M. Chirambo	Mzimba	CBE
64	T.g. Nyirenda	Mzimba	CBE
65	R. Chipofya	Mzimba	CBE
66	J. Mhango	Mzimba	CBE
67	J. Nda	Mzimba	CBE
68	F. Chirambo	Mzimba	CBE
69	B. Bota	Mzimba	CBE
70	Mbwemng'ona	Mzimba	CBE
71	F. Jere	Mzimba	CBE
72	M.m.g. Makwakwa	Mzimba	CBE
73	I. Ngulube	Mzimba	CBE
74	D. Chawinga	Mzimba	CBE
75	W.m. Thulu	Mzimba	CBE
76	I.m.f. Mumba	Mzimba	CBE
77	R. Ng'ambi	Mzimba	CBE
78	J. Manzi	Mzimba	CBE
79	H. Thulu	Mzimba	CBE
80	R. Hojane	Mzimba	CBE
81	I.g.c. Mphande	Mzimba	CBE
82	J.k. Jere	Mzimba	CBE
83	W.w. Nkhonde	Mzimba	CBE
84	P. Nyasulu	Mzimba	CBE
85	B.c. Jere	Mzimba	CBE
86	M. Sinjani	Mzimba	CBE
87	K. Shaba	Mzimba	CBE
88	M. Chipeta	Mzimba	CBE
89	G. Mvula	Mzimba	CBE
90	P. Goma	Mzimba	CBE
91	E. Sawira	Mzimba	CBE
92	G. Shaba	Mzimba	CBE
93	L. Hawire	Mzimba	CBE
94	S. Twea	Mzimba	CBE
95	A. Qongwane	Mzimba	CBE
96	L.g.m. Chima	Mzimba	CBE
97	B.botha	Mzimba	CBE

Beneficiaries/community member

1.	E. Hipo	Mulanje
2.	N. Sindileki	Mulanje
3.	M. Katunga	Mulanje
4.	W. Beni	Mulanje
5.	B. Frame	Mulanje
6.	E.m. Nong'oniwa	Mulanje
7.	D. Elemera	Mulanje
8.	W. Chigwalu	Mulanje
9.	F. Harrison	Mulanje
10.	F. Monekeni	Mulanje
11.	I. Kambewa	Mulanje
12.	L. Chitsulo	Mulanje

13.	N.e. Njema	Mulanje
14.	Msithe	Mulanje
15.	E. Makanja	Mulanje
16.	J. Furd	Mulanje
17.	E. Ndipo	Mulanje
18.	E. Kanada	Mulanje
19.	B. Paipi	Mulanje
20.	R. Thole	Mulanje
21.	J. Siposi	Mulanje
22.	M. Mlozeni	Mulanje
23.	A. Mangani	Mulanje
24.	M. Binali	Mulanje
25.	S. Yonasi	Mulanje
26.	H. Malindi	Mulanje
27.	H. Chinyama	Mulanje
28.	D. Willie	Mulanje
29.		
30.	M. Makwinja	Mulanje
31.	E. Nzunga	Mulanje
32.	E. Malindi	Mulanje
33.	E. Divasoni	Mulanje
34.	R. Mahale	Mulanje
35.	R. Mwenda	Mulanje
36.	M.g. Munthali	Mzimba
37.	W.b.a. Chibambo	Mzimba
38.	B. Jere	Mzimba
39.	H.e.k. Chibambo	Mzimba
40.	C. Jackson	Mzimba
41.	M. Munthali	Mzimba
42.	Y. Phiri	Mzimba
43.	R. Nyirenda	Mzimba
44.	C. Chibambo	Mzimba
45.	L. Soko-chibambo	Mzimba
46.	K.j. Lungu-chibambo	Mzimba
47.	L. Honde	Mzimba
48.	O. Nyirenda	Mzimba
49.	S. Jere	Mzimba
50.	S. Chibambo	Mzimba
51.	O.m.s. Jere	Mzimba
52.	Essiah kamwendo	Dedza
53.	George mulireni	Dedza
54.	Florence zapete	Dedza
55.	Jeamine malili	Dedza
56.	Tayiness brown	Dedza
57.	Agness foster	Dedza
58.	Judith mbendera	Dedza
59.	Anne demusidara	Dedza
60.	Cecilia eliat	Dedza
61.	Georgina kanthunkako	Dedza
62.	Napilira kabudunula	Dedza
63.	Idesi chidanda	Dedza
64.	Jeannie chiwaya	Dedza
65.	Nasileya kuweruza	Dedza
66.	Alice payitoni	Dedza
67.	Ludesi major	Dedza
68.	Mary william	Dedza
69.	Beluya chitukai	Dedza
70.	Sketilina chitukwi	Dedza
71.	Dorothy james	Dedza

72.	Lakondani bidoni	Dedza
73.	Lucia kachigamba	Dedza
74.	Zokuna chikudeni	Dedza
75.	Alfonsina maclosi	Dedza
76.	Dorina lebiasi	Dedza
77.	Ndazona jackson	Dedza
78.	Pellina msiwali	Dedza
79.	Veronica bizaro	Dedza
80.	Enita lebiyasi	Dedza
81.	Nachanza sipiliyano	Dedza
82.	Ellina jackson	Dedza
83.	Vancy finlayideni	Dedza
84.	Matilda madziatayika	Dedza
85.	Nelifa mukuweruza	Dedza
86.	Monica kamwendo	Dedza
87.	Enelesi kalekeni	Dedza
88.	Martina msonga	Dedza
89.	Phillipina chinthala	Dedza
90.	Oleiza yatsi	Dedza
91.	Livess chungu	Dedza
92.	Stellia damiasi	Dedza
93.	Merina nanyati	Dedza
94.	Nalikati lenard	Dedza
95.	Nampuzeni yatesi	Dedza
96.	Nachiletso nokudoka	Dedza
97.	Viola kabwazi	Dedza
98.	Ester osman	Dedza
99.	Namaloko jaloni	Dedza
100.	Abena chitsulo	Dedza
101.	Natugani singa	Dedza
102.	Lorraine sitima	Dedza
103.	Felicity selumani	Dedza
104.	Nanfoko sikelo	Dedza
105.	Tina nankapi	Dedza
106.	Namaleza mtanda	Dedza
107.	Addressi chimuzu	Dedza
108.	Rebecca mkumbwa	Dedza
109.	Geofina mjabisi	Dedza
110.	Martha tsamba	Dedza
111.	Mercy chikondi	Dedza
112.	Regina semusitali	Dedza
113.	Ellena layini	Dedza
114.	Namalozeni filingisoni	Dedza
115.	Fineti gwebede	Dedza
116.	Beatrice nyadani	Dedza
117.	Victoria richard	Dedza
118.	Fatima manda	Dedza
119.	Fredina mdesekeni	Dedza
120.	Joyce julius	Dedza
121.	Loveness robert	Dedza
122.	Zelipa lekeni	Dedza
123.	Nachiletso chinthope	Dedza
124.	Legesi damalanthenda	Dedza
125.	Grace themuka	Dedza
126.	Lidinesi lewis	Dedza
127.	Anastacia zewene	Dedza
128.	Esnati james	Dedza
129.	Senvenina namwalikwa	Dedza
130.	Leniya zakwa	Dedza

131.	Namagetsi jesitala	Dedza
132.	Mdzatayika kalirani	Dedza
133.	Namesayi rutsolo	Dedza
134.	Chalandani mahopita Florence noti	Dedza
135.	Belita esinere	Dedza
136.	Ndakondana daliyoni	Dedza
137.	Ermelesi jeremiah	Dedza
138.	Madiresi kalimanjere	Dedza
139.	Florida flayiseni	Dedza
140.	Matilesi kachingwe	Dedza
141.	Moniwa katsongwa	Dedza
142.	Gezirene zebroni	Dedza
143.	Loveni lumbwe	Dedza
144.	Bewtuda z. Kwaluya	Dedza
145.	Matasoni mlirani	Dedza
146.	Lazaro namoni	Dedza
147.	Kingsley chisasa	Dedza
148.	G. Eliya	Dedza
149.	A. Eliya j.	Dedza
150.	N. Sikelo	Dedza
151.	V. Nkandu	Dedza
152.	S. Jerita	Dedza
153.	M. Layisoni	Dedza
154.	E. Mkwayira	Dedza
155.	S. Kenasi	Dedza
156.	K. Tilipati	Dedza
157.	C. Mira	Dedza
158.	M. Zamaroro	Dedza
159.	Z. Kambani	Dedza
160.	J. Mwisoni	Dedza
161.	E. Kalumba	Dedza
162.	N. Mapepa	Dedza
163.	M. Tauzeni	Dedza
164.	E. Jericha	Dedza
165.	M. Eliya	Dedza
166.	Y. Daniel	Dedza
167.	R. Chipolosa	Dedza
168.	J. Mazuwu	Dedza
169.	F. Cinkuyu	Dedza
170.	G. Kampani	Dedza
171.	G. Madziatayika	Dedza
172.	L. Tiyezi	Dedza
173.	D. Mdomole	Dedza
174.	F. Misitoni	Dedza
175.	N. Fayikolo	Dedza
176.	K. Malirano	Dedza
177.	L. Sizedi	Dedza
178.	B. Sayisi	Dedza
179.	F. Lafitoni	Dedza
180.	P. Jekesi	Dedza
181.	E. Kankhwakwa	Dedza
182.	E. Chumombo	Dedza
183.	S. Filipi	Dedza
184.	W. Gola	Dedza
185.	E. Semu	Dedza
186.	F. Kantadzeti	Dedza
187.	F. Ewiyo	Dedza
188.	M. Mwanamichi	Dedza

189.	T. Kavalo	Dedza
190.	T. Kazembe	Dedza
191.	F. Edisoni	Dedza
192.	A. Matiyasi	Dedza
193.	A. Kantumbiza	Dedza
194.	M. Kazembe	Dedza
195.	A. Chibwana	Dedza
196.	H. Nalunga	Dedza
197.	A. Sanudi	Dedza
198.	A. Moya	Dedza
199.	A. Jemusi	Dedza
200.	K. Kalembo	Dedza
201.	M. Jurna	Dedza
202.	E. Sandalamu	Dedza
203.	M. Jussa	Dedza
204.	C. Mwanje	Dedza
205.	S. Jailosi	Dedza
206.	D. Jiya	Dedza
207.	J. Lazaro	Dedza
208.	M. Alifi	Dedza
209.	A. Maja	Dedza
210.	H. Adam	Dedza
211.	T. Idirissa	Dedza
212.	A. Kadango	Dedza
213.	A. Maliseni	Dedza
214.	O. Nkaliwafa	Dedza
215.	T. Binamu	Dedza
216.	J. Abitiamin	Dedza
217.	L. Mlinjiro	Dedza
218.	A. Jemusi	Dedza
219.	A. Wame	Dedza
220.	A. Sumani	Dedza
221.	M. Kasim	Dedza
222.	L. Kandolo	Dedza
223.	T. Alafu	Dedza
224.	A. Bakili	Dedza
225.	E. Ibula	Dedza
226.	C. Lajabu	Dedza
227.	A. Jemusi	Dedza
228.	A. Chinkhuta	Dedza
229.	E. Joni	Dedza
230.	P. Saidi	Dedza
231.	A. Sumacli	Dedza
232.	E. Asefu	Dedza
233.	S. Mdala	Dedza
234.	M. Blakili	Dedza
235.	A. Chapola	Dedza
236.	A. Daudi	Dedza
237.	M. Masindi	Dedza
238.	F. Jemusi	Dedza
239.	A. Juma	Dedza
240.	M. Kalonga	Dedza
241.	L. Mwakisa	Dedza
242.	A. Jemusi	Dedza
243.	A. Ndolo	Dedza
244.	L. Stadi	Dedza
245.	B. Phiri	Dedza
246.	U. Mizali	Dedza
247.	A. Kachenjera	Dedza

248.	S. Selemani	Dedza
249.	A. Lusamba	Dedza
250.	H. Kaweche	Dedza
251.	A. Wiriyanu	Dedza
252.	M. Yatesi	Dedza
253.	J. Kasinjira	Dedza
254.	F. Mdeza	Dedza
255.	A. Biriwati	Dedza
256.	M. Njirayi	Dedza
257.	G. Kambarame	Dedza
258.	L. Njerita	Dedza
259.	M. Nyarugwe	Dedza
260.	N. Miko	Dedza
261.	M. Masina	Dedza
262.	G. Nkholyamu	Dedza
263.	M. Kandota	Dedza
264.	R. Sitima	Dedza
265.	H. Dayitoni	Dedza
266.	S. Chatsika	Dedza
267.	C. Majamanda	Dedza
268.	C. Dzore	Dedza
269.	C. Rekisoni	Dedza
270.	C. Karekeni	Dedza
271.	R. Moseni	Dedza
272.	G. Mlaziweke	Dedza
273.	K. Murongoti	Dedza
274.	M. Tengerepena	Dedza
275.	A. Furanki	Dedza
276.	D. Gidiyoni	Dedza
277.	M. M'sodoka	Dedza
278.	E. Banda	Dedza
279.	E. Meka	Dedza
280.	T. Yitayi	Dedza
281.	D. Rafitoni	Dedza
282.	W. Agarumetana	Dedza
283.	G. Zapete	Dedza
284.	A. Gerego	Dedza
285.	D. Chitukwi	Dedza
286.	T. Kapangazewire	Dedza
287.	K. Biriwati	Dedza
288.	J. Luchirara	Dedza
289.	A. kapatamoyo	Dedza
290.	M. Kachigoba	Dedza
291.	S. Chmpunga	Dedza
292.	D. Riberito	Dedza
293.	N. Zorimba	Dedza
294.	E. Peturo	Dedza
295.	K. Ntchare	Dedza
296.	E. Mika	Dedza
297.	E. Chinkuyu	Dedza
298.	E. Kamtodza	Dedza
299.	D. Mosi	Dedza
300.	M. Rafiyero	Dedza
301.	R. Jonasi	Dedza
302.	M. Masumba	Dedza
303.	M. Paizoni	Dedza
304.	L. Jakisoni	Dedza
305.	T. Mutanthira	Dedza
306.	B. Morosi	Dedza

307.	E. Kachigamba	Dedza
308.	A. Foriyati	Dedza
309.	E. Kachigoba	Dedza
310.	A. Demusitara	Dedza
311.	A. Kazembe	Dedza
312.	N. Malifoti	Dedza
313.	N. Kantodza	Dedza
314.	M. Chakhoroma	Dedza
315.	B. Sitima	Dedza
316.	E. Kangumbwe	Dedza
317.	N. Denja	Dedza
318.	Z. Tchorosi	Dedza
319.	A. Karekeni	Dedza
320.	A. Kambarame	Dedza
321.	D. Masitara	Dedza
322.	N. Makanjira	Dedza
323.	J. Phiri	Dedza
324.	M. Saulosi	Dedza
325.	J. Jackson	Dedza
326.	B. Ganja	Dedza
327.	C. Dani	Dedza
328.	M. Chikolosa	Dedza
329.	I. Kaundu	Dedza
330.	C. Semu	Dedza
331.	C. Danda	Dedza
332.	G. Phiri	Dedza
333.	T. Kambira	Dedza
334.	C. Bizulu	Dedza
335.	K. Kubando	Dedza
336.	K. Mangwere	Dedza
337.	G. Chagunda	Dedza
338.	W. Milomo	Dedza
339.	E. Malichi	Dedza
340.	S. Nalisi	Dedza
341.	K. Ndibelito	Dedza
342.	S. Dennis	Dedza
343.	E. Tizione	Dedza
344.	T. Pautani	Dedza
345.	S. Jackson	Dedza
346.	H. Sitima	Dedza
347.	W. Pini	Dedza
348.	G. Chimombo	Dedza
349.	Rasta akazianyenga	Dedza
350.	L. Jelemani	Dedza
351.	N. Julius	Dedza
352.	J. Makanjira	Dedza
353.	T. Barnusi	Dedza
354.	C. Siposi	Dedza
355.	B. Leyomi	Dedza
356.	W. Matewere	Dedza
357.	J. Labani	Dedza
358.	E. Lumbani	Dedza
359.	M. Zakazaka	Dedza
360.	J.h. Growesi	Dedza
361.	G. Makoko	Dedza
362.	A. Mkhwanya	Dedza
363.	L. Dzemera	Dedza
364.	D. Shema	Dedza
365.	C. Zapete	Dedza

366.	R. Nyadani	Dedza
367.	J. Jailosi	Dedza
368.	M. Muwuandenge	Dedza
369.	M. Tomole	Dedza
370.	J. Fasiko	Dedza
371.	C. Zefutala	Dedza
372.	J. Kofi	Dedza
373.	K. Chikondi	Dedza
374.	G. Jewebu	Dedza
375.	L. Galiwelo	Dedza
376.	M. Chapita	Dedza
377.	L. Dickson	Dedza
378.	S. Gamakeli	Dedza
379.	N. Silalo	Dedza
380.	R. Kalembakatha	Dedza
381.	E. Kanyemba	Dedza
382.	Z. Mandala	Dedza
383.	M. Dokotala	Dedza
384.	S. Matiasi	Dedza
385.	S. Manyengo	Dedza
386.	C. Ziyonderana	Dedza
387.	D. Joniyere	Dedza
388.	E. Bauleni	Dedza
389.	C. Thepe	Dedza
390.	S. Zefaniya	Dedza
391.	E. Kandikole	Dedza
392.	S. Ching'amba	Dedza
393.	B. Kazite	Dedza
394.	B. Tchipasi	Dedza
395.	D. Thauzeni	Dedza
396.	Christopher m. Phiri	Dedza
397.	C. Kathako	Dedza
398.	M. Kapolo	Dedza
399.	M. Nyawa	Dedza
400.	K. Nkhuyo	Dedza
401.	L. Dan	Dedza
402.	Z. Jonasi	Dedza
403.	L. Kwaira	Dedza
404.	F. Jackson	Dedza
405.	K. Eliasi	Dedza
406.	R. Jubeki	Dedza
407.	M. Thanileni	Dedza
408.	K. Maliseni	Dedza
409.	J.p. Mpinganjira	Dedza
410.	M. Mlenga	Dedza
411.	T. Yasini	Dedza
412.	C. Chiwambo	Dedza
413.	A. Kadango	Dedza
414.	M. Ngong'ombe	Dedza
415.	A. Aswali	Dedza
416.	S. Ulanda	Dedza
417.	S. Bwamuda	Dedza
418.	Y. Sumani	Dedza
419.	C. Saidi	Dedza
420.	A. Richard	Dedza
421.	B. Shaibu	Dedza
422.	B. Kasimu	Dedza
423.	J. Shaibu	Dedza
424.	I. Balaka	Dedza

425.	M. Sumani	Dedza
426.	J. Saulo	Dedza
427.	A. Nkautuka	Dedza
428.	F. Maliseni	Dedza
429.	P. Zithe	Dedza
430.	J. Akimu	Dedza
431.	M. Wili	Dedza
432.	W. Kazembe	Dedza
433.	S. Lifa	Dedza
434.	E. Dickson	Dedza
435.	L. William	Dedza
436.	J. Yamikani	Dedza
437.	K. Phillip	Dedza
438.	W. Ntola	Dedza
439.	K. Lidyetsamphepo	Dedza
440.	P. Mwale	Dedza
441.	K. Kalomba	Dedza
442.	F. Davie	Dedza
443.	J. Chpanga	Dedza
444.	W. Cholisha	Dedza
445.	M. Mashati	Dedza
446.	M. Keliyala	Dedza
447.	S. Kasimu	Dedza
448.	S. Moyenda	Dedza
449.	J. Chimonjo	Dedza
450.	J. Chinkhota	Dedza
451.	W. Assani	Dedza
452.	J. Jakisoni	Dedza
453.	M. Kazeti	Dedza
454.	K. Biyadi	Dedza
455.	L. Chingondo	Dedza
456.	F. Peter	Dedza
457.	D. Ndawala	Dedza
458.	M. Kilini	Dedza
459.	P. Moleni	Dedza
460.	W. Mdoka	Dedza
461.	C. Micheal	Dedza
462.	G. Kachiwawa	Dedza
463.	C. Alfred	Dedza
464.	W. Mizale	Dedza
465.	S. Lobati	Dedza
466.	D. Ali	Dedza

Traditional authorities and chiefs

No.	Name	Location	Position
1	Mphonde	Dedza	GVH
2	Katete	Dedza	VH
3	Mayangata	Dedza	VH
4	Kaphale	Dedza	VH
5	Mpandika	Dedza	VH
6	Kamwana	Dedza	VH
7	Chebula	Dedza	VH
8	Khuzi	Dedza	VH
9	Kalima	Dedza	VH
10	Kachere iii	Dedza	T/A
11		Mzimba	SUB T/A
12		Mzimba	GVH

13	Msithe	Mulanje	T/a
14	Kapandajuwa chibambo	Mzimba	Vh
15	Tambala	Dedza	T/a
16	Gomezza	Deza	Vh
17	Mlamba	Dedza	Vh
18	Fadesi ndalema	Dedza	Vh
19	Lotima foliati	Dedza	Gvh
20	Kawelama	Dedza	Vh
21	Mtanthiwa	Dedza	Vh
22	Kanamwalikhwawa	Dedza	Gvh
23	Lombwe	Dedza	Vh
24	Bango	Dedza	Gvh
25	Mkwaila	Dedza	Vh
26	Mpoto	Dedza	Vh

Government institutions and NGOS

No.	Name/position	Institution
1.	M Msisika/legal officer	CHRR
2.	Deputy executive Director	Malawi CARER
3.	Paralegal coordinator	Malawi CARER
4.	Paralegal	Malawi CARER-Dedza
5.	Paralegal	Malawi CARER-Mulanje
6.	Paralegal	Malawi CARER-Mulanje
7.	Paralegal	Youth watch-Mzuzu
8.	Paralegal	Youth watch-Mzuzu
9.	Cst P Masoo	Chinyama Police Unit
10.	Teacher	Mpherembe Community School
11.	Teacher	Mpherembe Community School
12.	Teacher	Mpherembe Community School
13.	Director of Gender	Ministry of Gender Youth and social Welfare
14.	Registrar of the High Court	Ministry of Justice-Lilongwe
15.		Office of the ombudsman